



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3411

Introduced 2/10/2010, by Sen. Bill Brady

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

730 ILCS 5/5-8A-5.1 new

Amends the Unified Code of Corrections. Provides that the Department of Corrections must also make identification information and a recent photo of the inmate being released accessible on the Internet by means of a hyperlink labeled "Community Notification of Inmate Early Release" on the Department's World Wide Web homepage. Provides that the identification information shall include the inmate's: name, any known alias, date of birth, physical characteristics, residence address, commitment offense and county where conviction was imposed. Provides that the identification information shall be placed on the website within 3 days of the inmate's release and the information may not be removed until either: completion of the first year of mandatory supervised release or return of the inmate to custody of the Department. Effective immediately.

LRB096 17558 RLC 35050 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-6-3 and by adding Section 5-8A-5.1 as
6 follows:

7 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

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

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

13 (2) The rules and regulations on early release shall
14 provide, with respect to offenses listed in clause (i),
15 (ii), or (iii) of this paragraph (2) committed on or after
16 June 19, 1998 or with respect to the offense listed in
17 clause (iv) of this paragraph (2) committed on or after
18 June 23, 2005 (the effective date of Public Act 94-71) or
19 with respect to offense listed in clause (vi) committed on
20 or after June 1, 2008 (the effective date of Public Act
21 95-625) or with respect to the offense of being an armed
22 habitual criminal committed on or after August 2, 2005 (the
23 effective date of Public Act 94-398) or with respect to the

1 offenses listed in clause (v) of this paragraph (2)
2 committed on or after August 13, 2007 (the effective date
3 of Public Act 95-134), the following:

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

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

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

1 enumerated offense resulted in great bodily harm to a
2 victim, shall receive no more than 4.5 days of good
3 conduct credit for each month of his or her sentence of
4 imprisonment;

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

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

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

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

11 (2.1) For all offenses, other than those enumerated in
12 subdivision (a)(2)(i), (ii), or (iii) committed on or after
13 June 19, 1998 or subdivision (a)(2)(iv) committed on or
14 after June 23, 2005 (the effective date of Public Act
15 94-71) or subdivision (a)(2)(v) committed on or after
16 August 13, 2007 (the effective date of Public Act 95-134)
17 or subdivision (a)(2)(vi) committed on or after June 1,
18 2008 (the effective date of Public Act 95-625), and other
19 than the offense of reckless homicide as defined in
20 subsection (e) of Section 9-3 of the Criminal Code of 1961
21 committed on or after January 1, 1999, or aggravated
22 driving under the influence of alcohol, other drug or
23 drugs, or intoxicating compound or compounds, or any
24 combination thereof as defined in subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code, the rules and regulations shall

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

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

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

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

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

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

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

1 criminal sexual assault, criminal sexual assault, deviate
2 sexual assault, aggravated criminal sexual abuse,
3 aggravated indecent liberties with a child, indecent
4 liberties with a child, child pornography, heinous
5 battery, aggravated battery of a spouse, aggravated
6 battery of a spouse with a firearm, stalking, aggravated
7 stalking, aggravated battery of a child, endangering the
8 life or health of a child, or cruelty to a child.
9 Notwithstanding the foregoing, good conduct credit for
10 meritorious service shall not be awarded on a sentence of
11 imprisonment imposed for conviction of: (i) one of the
12 offenses enumerated in subdivision (a)(2)(i), (ii), or
13 (iii) when the offense is committed on or after June 19,
14 1998 or subdivision (a)(2)(iv) when the offense is
15 committed on or after June 23, 2005 (the effective date of
16 Public Act 94-71) or subdivision (a)(2)(v) when the offense
17 is committed on or after August 13, 2007 (the effective
18 date of Public Act 95-134) or subdivision (a)(2)(vi) when
19 the offense is committed on or after June 1, 2008 (the
20 effective date of Public Act 95-625), (ii) reckless
21 homicide as defined in subsection (e) of Section 9-3 of the
22 Criminal Code of 1961 when the offense is committed on or
23 after January 1, 1999, or aggravated driving under the
24 influence of alcohol, other drug or drugs, or intoxicating
25 compound or compounds, or any combination thereof as
26 defined in subparagraph (F) of paragraph (1) of subsection

1 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
2 one of the offenses enumerated in subdivision (a)(2.4) when
3 the offense is committed on or after July 15, 1999 (the
4 effective date of Public Act 91-121), or (iv) aggravated
5 arson when the offense is committed on or after July 27,
6 2001 (the effective date of Public Act 92-176).

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

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

17 (B) has served a minimum of 60 days, or as close to
18 60 days as the sentence will allow; and

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

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

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

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

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

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

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

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

1 that the prisoner was not eligible, then the award shall be
2 revoked.

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

1 is not placed in a substance abuse program prior to release
2 may be eligible for a waiver and receive good conduct
3 credit under clause (3) of this subsection (a) at the
4 discretion of the Director.

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

17 (5) Whenever the Department is to release any inmate
18 earlier than it otherwise would because of a grant of good
19 conduct credit for meritorious service given at any time
20 during the term, the Department shall give reasonable
21 notice of the impending release not less than 14 days prior
22 to the date of the release to the State's Attorney of the
23 county where the prosecution of the inmate took place, and
24 if applicable, the State's Attorney of the county into
25 which the inmate will be released. The Department must also
26 make identification information and a recent photo of the

1 inmate being released accessible on the Internet by means
2 of a hyperlink labeled "Community Notification of Inmate
3 Early Release" on the Department's World Wide Web homepage.
4 The identification information shall include the inmate's:
5 name, any known alias, date of birth, physical
6 characteristics, residence address, commitment offense and
7 county where conviction was imposed. The identification
8 information shall be placed on the website within 3 days of
9 the inmate's release and the information may not be removed
10 until either: completion of the first year of mandatory
11 supervised release or return of the inmate to custody of
12 the Department.

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

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

23 When the Department seeks to revoke, suspend or reduce the
24 rate of accumulation of any good conduct credits for an alleged
25 infraction of its rules, it shall bring charges therefor
26 against the prisoner sought to be so deprived of good conduct

1 credits before the Prisoner Review Board as provided in
2 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
3 amount of credit at issue exceeds 30 days or when during any 12
4 month period, the cumulative amount of credit revoked exceeds
5 30 days except where the infraction is committed or discovered
6 within 60 days of scheduled release. In those cases, the
7 Department of Corrections may revoke up to 30 days of good
8 conduct credit. The Board may subsequently approve the
9 revocation of additional good conduct credit, if the Department
10 seeks to revoke good conduct credit in excess of 30 days.
11 However, the Board shall not be empowered to review the
12 Department's decision with respect to the loss of 30 days of
13 good conduct credit within any calendar year for any prisoner
14 or to increase any penalty beyond the length requested by the
15 Department.

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

23 Nothing contained in this Section shall prohibit the
24 Prisoner Review Board from ordering, pursuant to Section
25 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
26 sentence imposed by the court that was not served due to the

1 accumulation of good conduct credit.

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

16 For purposes of this subsection (d):

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

21 (A) it lacks an arguable basis either in law or in
22 fact;

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

26 (C) the claims, defenses, and other legal

1 contentions therein are not warranted by existing law
2 or by a nonfrivolous argument for the extension,
3 modification, or reversal of existing law or the
4 establishment of new law;

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

10 (E) the denials of factual contentions are not
11 warranted on the evidence, or if specifically so
12 identified, are not reasonably based on a lack of
13 information or belief.

14 (2) "Lawsuit" means a motion pursuant to Section 116-3
15 of the Code of Criminal Procedure of 1963, a habeas corpus
16 action under Article X of the Code of Civil Procedure or
17 under federal law (28 U.S.C. 2254), a petition for claim
18 under the Court of Claims Act, an action under the federal
19 Civil Rights Act (42 U.S.C. 1983), or a second or
20 subsequent petition for post-conviction relief under
21 Article 122 of the Code of Criminal Procedure of 1963
22 whether filed with or without leave of court or a second or
23 subsequent petition for relief from judgment under Section
24 2-1401 of the Code of Civil Procedure.

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

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

9 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
10 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
11 95-876, eff. 8-21-08; 96-860, eff. 1-15-10.)

12 (730 ILCS 5/5-8A-5.1 new)

13 Sec. 5-8A-5.1. Public notice of release on electronic home
14 monitoring detention. The Department must make identification
15 information and a recent photo of an inmate being placed on
16 electronic home monitoring detention under the provisions of
17 this Article accessible on the Internet by means of a hyperlink
18 labeled "Community Notification of Inmate Early Release" on the
19 Department's World Wide Web homepage. The identification
20 information shall include the inmate's: name, any known alias,
21 date of birth, physical characteristics, residence address,
22 commitment offense and county where conviction was imposed. The
23 identification information shall be placed on the website
24 within 3 days of the inmate's release on electronic home
25 monitoring detention, and the information may not be removed

1 until either: completion of the first year of mandatory
2 supervised release or return of the inmate to custody of the
3 Department.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.