

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.