

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

1 paragraph (2) committed on or after August 13, 2007 (the  
2 effective date of Public Act 95-134) or with respect to the  
3 offenses listed in clauses (i)(C) and (i)(D) of this  
4 paragraph (2) committed on or after the effective date of  
5 this amendatory Act of the 97th General Assembly or with  
6 respect to the offense of aggravated domestic battery  
7 committed on or after July 23, 2010 (the effective date of  
8 Public Act 96-1224) ~~this amendatory Act of the 96th General~~  
9 ~~Assembly~~, the following:

10 (i) that a prisoner who is serving a term of  
11 imprisonment for: (A) first degree murder, (B) or for  
12 the offense of terrorism, (C) the offense of domestic  
13 battery, or (D) the offense of aggravated domestic  
14 battery shall receive no good conduct credit and shall  
15 serve the entire sentence imposed by the court;

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

1 imprisonment;

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

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

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

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

20 (vii) that a prisoner serving a sentence for  
21 aggravated domestic battery committed on or after July  
22 23, 2010 and before the effective date of this  
23 amendatory Act of the 97th General Assembly shall  
24 receive no more than 4.5 days of good conduct credit  
25 for each month of his or her sentence of imprisonment.

26 (2.1) For all offenses, other than those enumerated in

1 subdivision (a) (2) (i) (A) or (a) (2) (i) (B), (ii), or (iii)  
2 committed on or after June 19, 1998 or subdivision  
3 (a) (2) (iv) committed on or after June 23, 2005 (the  
4 effective date of Public Act 94-71) or subdivision  
5 (a) (2) (v) committed on or after August 13, 2007 (the  
6 effective date of Public Act 95-134) or subdivision  
7 (a) (2) (vi) committed on or after June 1, 2008 (the  
8 effective date of Public Act 95-625) or subdivision  
9 (a) (2) (vii) committed on or after July 23, 2010 (the  
10 effective date of Public Act 96-1224), or subdivision  
11 (a) (2) (i) (C) or (a) (2) (i) (D) committed on or after the  
12 effective date of this amendatory Act of the 97th General  
13 Assembly ~~this amendatory Act of the 96th General Assembly,~~  
14 and other than the offense of aggravated driving under the  
15 influence of alcohol, other drug or drugs, or intoxicating  
16 compound or compounds, or any combination thereof as  
17 defined in subparagraph (F) of paragraph (1) of subsection  
18 (d) of Section 11-501 of the Illinois Vehicle Code, and  
19 other than the offense of aggravated driving under the  
20 influence of alcohol, other drug or drugs, or intoxicating  
21 compound or compounds, or any combination thereof as  
22 defined in subparagraph (C) of paragraph (1) of subsection  
23 (d) of Section 11-501 of the Illinois Vehicle Code  
24 committed on or after January 1, 2011 (the effective date  
25 of Public Act 96-1230) ~~this amendatory Act of the 96th~~  
26 ~~General Assembly,~~ the rules and regulations shall provide

1           that a prisoner who is serving a term of imprisonment shall  
2           receive one day of good conduct credit for each day of his  
3           or her sentence of imprisonment or recommitment under  
4           Section 3-3-9. Each day of good conduct credit shall reduce  
5           by one day the prisoner's period of imprisonment or  
6           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          aggravated driving under the influence of alcohol, other  
13          drug or drugs, or intoxicating compound or compounds, or  
14          any combination thereof as defined in subparagraph (F) of  
15          paragraph (1) of subsection (d) of Section 11-501 of the  
16          Illinois Vehicle Code, shall receive no more than 4.5 days  
17          of good conduct credit for each month of his or her  
18          sentence of imprisonment.

19          (2.4) The rules and regulations on early release shall  
20          provide with respect to the offenses of aggravated battery  
21          with a machine gun or a firearm equipped with any device or  
22          attachment designed or used for silencing the report of a  
23          firearm or aggravated discharge of a machine gun or a  
24          firearm equipped with any device or attachment designed or  
25          used for silencing the report of a firearm, committed on or  
26          after July 15, 1999 (the effective date of Public Act

1 91-121), that a prisoner serving a sentence for any of  
2 these offenses 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 (2.5) The rules and regulations on early release shall  
6 provide that a prisoner who is serving a sentence for  
7 aggravated arson committed on or after July 27, 2001 (the  
8 effective date of Public Act 92-176) shall receive no more  
9 than 4.5 days of good conduct credit for each month of his  
10 or her sentence of imprisonment.

11 (2.6) The rules and regulations on early release shall  
12 provide that a prisoner who is serving a sentence for  
13 aggravated driving under the influence of alcohol, other  
14 drug or drugs, or intoxicating compound or compounds, or  
15 any combination thereof as defined in subparagraph (C) of  
16 paragraph (1) of subsection (d) of Section 11-501 of the  
17 Illinois Vehicle Code committed on or after January 1, 2011  
18 (the effective date of Public Act 96-1230) ~~this amendatory~~  
19 ~~Act of the 96th General Assembly,~~ shall receive no more  
20 than 4.5 days of good conduct credit for each month of his  
21 or her sentence of imprisonment.

22 (3) The rules and regulations shall also provide that  
23 the Director may award up to 180 days additional good  
24 conduct credit for meritorious service in specific  
25 instances as the Director deems proper; except that no more  
26 than 90 days of good conduct credit for meritorious service

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



1 13, 2007 (the effective date of Public Act 95-134) or  
2 subdivision (a)(2)(vi) when the offense is committed on or  
3 after June 1, 2008 (the effective date of Public Act  
4 95-625) or subdivision (a)(2)(vii) when the offense is  
5 committed on or after July 23, 2010 (the effective date of  
6 Public Act 96-1224) or one of the offenses enumerated in  
7 subdivision (a)(2)(i)(C) or (a)(2)(i)(D) when the offense  
8 is committed on or after the effective date of this  
9 amendatory Act of the 97th General Assembly ~~this amendatory~~  
10 ~~Act of the 96th General Assembly~~, (ii) aggravated driving  
11 under the influence of alcohol, other drug or drugs, or  
12 intoxicating compound or compounds, or any combination  
13 thereof as defined in subparagraph (F) of paragraph (1) of  
14 subsection (d) of Section 11-501 of the Illinois Vehicle  
15 Code, (iii) one of the offenses enumerated in subdivision  
16 (a)(2.4) when the offense is committed on or after July 15,  
17 1999 (the effective date of Public Act 91-121), (iv)  
18 aggravated arson when the offense is committed on or after  
19 July 27, 2001 (the effective date of Public Act 92-176), ~~or~~  
20 (v) offenses that may subject the offender to commitment  
21 under the Sexually Violent Persons Commitment Act, or (vi)  
22 ~~(v)~~ aggravated driving under the influence of alcohol,  
23 other drug or drugs, or intoxicating compound or compounds,  
24 or any combination thereof as defined in subparagraph (C)  
25 of paragraph (1) of subsection (d) of Section 11-501 of the  
26 Illinois Vehicle Code committed on or after January 1, 2011

1        (the effective date of Public Act 96-1230) ~~this amendatory~~  
2        ~~Act of the 96th General Assembly.~~

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

11            (A) is eligible for good conduct credit for  
12        meritorious service;

13            (B) has served a minimum of 60 days, or as close to  
14        60 days as the sentence will allow; and

15            (C) has met the eligibility criteria established  
16        by rule.

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

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

1 determined by the standards of the Department, shall be  
2 multiplied by a factor of 1.25 for program participation  
3 before August 11, 1993 and 1.50 for program participation  
4 on or after that date. However, no inmate shall be eligible  
5 for the additional good conduct credit under this paragraph  
6 (4) or (4.1) of this subsection (a) while assigned to a  
7 boot camp or electronic detention, or if convicted of an  
8 offense enumerated in subdivision (a)(2)(i) (A) or  
9 (a)(2)(i)(B), (ii), or (iii) of this Section that is  
10 committed on or after June 19, 1998 or subdivision  
11 (a)(2)(iv) of this Section that is committed on or after  
12 June 23, 2005 (the effective date of Public Act 94-71) or  
13 subdivision (a)(2)(v) of this Section that is committed on  
14 or after August 13, 2007 (the effective date of Public Act  
15 95-134) or subdivision (a)(2)(vi) when the offense is  
16 committed on or after June 1, 2008 (the effective date of  
17 Public Act 95-625) or subdivision (a)(2)(vii) when the  
18 offense is committed on or after July 23, 2010 (the  
19 effective date of Public Act 96-1224) or subdivision  
20 (a)(2)(i)(C) or (a)(2)(i)(D) that is committed on or after  
21 the effective date of this amendatory Act of the 97th  
22 General Assembly ~~this amendatory Act of the 96th General~~  
23 ~~Assembly~~, or if convicted of 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, or if  
2 convicted of aggravated driving under the influence of  
3 alcohol, other drug or drugs, or intoxicating compound or  
4 compounds, or any combination thereof as defined in  
5 subparagraph (C) of paragraph (1) of subsection (d) of  
6 Section 11-501 of the Illinois Vehicle Code committed on or  
7 after January 1, 2011 (the effective date of Public Act  
8 96-1230) ~~this amendatory Act of the 96th General Assembly,~~  
9 or if convicted of an offense enumerated in paragraph  
10 (a)(2.4) of this Section that is committed on or after July  
11 15, 1999 (the effective date of Public Act 91-121), or  
12 first degree murder, a Class X felony, criminal sexual  
13 assault, felony criminal sexual abuse, aggravated criminal  
14 sexual abuse, aggravated battery with a firearm, or any  
15 predecessor or successor offenses with the same or  
16 substantially the same elements, or any inchoate offenses  
17 relating to the foregoing offenses. No inmate shall be  
18 eligible for the additional good conduct credit under this  
19 paragraph (4) who (i) has previously received increased  
20 good conduct credit under this paragraph (4) and has  
21 subsequently been convicted of a felony, or (ii) has  
22 previously served more than one prior sentence of  
23 imprisonment for a felony in an adult correctional  
24 facility.

25 Educational, vocational, substance abuse and  
26 correctional industry programs under which good conduct

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

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

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

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

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

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

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

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

1 during the term, the Department shall give reasonable  
2 notice of the impending release not less than 14 days prior  
3 to the date of the release to the State's Attorney of the  
4 county where the prosecution of the inmate took place, and  
5 if applicable, the State's Attorney of the county into  
6 which the inmate will be released. The Department must also  
7 make identification information and a recent photo of the  
8 inmate being released accessible on the Internet by means  
9 of a hyperlink labeled "Community Notification of Inmate  
10 Early Release" on the Department's World Wide Web homepage.  
11 The identification information shall include the inmate's:  
12 name, any known alias, date of birth, physical  
13 characteristics, residence address, commitment offense and  
14 county where conviction was imposed. The identification  
15 information shall be placed on the website within 3 days of  
16 the inmate's release and the information may not be removed  
17 until either: completion of the first year of mandatory  
18 supervised release or return of the inmate to custody of  
19 the Department.

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

24 (c) The Department shall prescribe rules and regulations  
25 for revoking good conduct credit, or suspending or reducing the  
26 rate of accumulation of good conduct credit for specific rule



1 violations, during imprisonment. These rules and regulations  
2 shall provide that no inmate may be penalized more than one  
3 year of good conduct credit for any one infraction.

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

23 The Director of the Department of Corrections, in  
24 appropriate cases, may restore up to 30 days good conduct  
25 credits which have been revoked, suspended or reduced. Any  
26 restoration of good conduct credits in excess of 30 days shall

1 be subject to review by the Prisoner Review Board. However, the  
2 Board may not restore good conduct credit in excess of the  
3 amount requested by the Director.

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

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

23 For purposes of this subsection (d):

24 (1) "Frivolous" means that a pleading, motion, or other  
25 filing which purports to be a legal document filed by a  
26 prisoner in his or her lawsuit meets any or all of the

1 following criteria:

2 (A) it lacks an arguable basis either in law or in  
3 fact;

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

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

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

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

21 (2) "Lawsuit" means a motion pursuant to Section 116-3  
22 of the Code of Criminal Procedure of 1963, a habeas corpus  
23 action under Article X of the Code of Civil Procedure or  
24 under federal law (28 U.S.C. 2254), a petition for claim  
25 under the Court of Claims Act, an action under the federal  
26 Civil Rights Act (42 U.S.C. 1983), or a second or

1 subsequent petition for post-conviction relief under  
2 Article 122 of the Code of Criminal Procedure of 1963  
3 whether filed with or without leave of court or a second or  
4 subsequent petition for relief from judgment under Section  
5 2-1401 of the Code of Civil Procedure.

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

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

16 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;  
17 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
18 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.  
19 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,  
20 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)