



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1338

Introduced 2/8/2011, by Sen. Kirk W. Dillard

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3  
730 ILCS 5/3-14-1

from Ch. 38, par. 1003-6-3  
from Ch. 38, par. 1003-14-1

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall establish uniform procedures for providing timely advance notice of early release of inmates to law enforcement in local jurisdictions and shall submit a report to the General Assembly, by January 1, 2012, of those notice procedures. Provides that the 14-day advance notice of early release of an inmate because of the award of good conduct credit for meritorious service shall be provided to the Governor and sheriff of the county where the prosecution took place. Effective immediately.

LRB097 07075 RLC 47168 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 Sections 3-6-3 and 3-14-1 as follows:

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

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

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

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

1 committed on or after August 13, 2007 (the effective date  
2 of Public Act 95-134) or with respect to the offense of  
3 aggravated domestic battery committed on or after July 23,  
4 2010 (the effective date of Public Act 96-1224) ~~this~~  
5 ~~amendatory Act of the 96th General Assembly~~, the following:

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

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

22 (iii) that a prisoner serving a sentence for home  
23 invasion, armed robbery, aggravated vehicular  
24 hijacking, aggravated discharge of a firearm, or armed  
25 violence with a category I weapon or category II  
26 weapon, when the court has made and entered a finding,

1           pursuant to subsection (c-1) of Section 5-4-1 of this  
2           Code, that the conduct leading to conviction for the  
3           enumerated offense resulted in great bodily harm to a  
4           victim, 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           (iv) that a prisoner serving a sentence for  
8           aggravated discharge of a firearm, whether or not the  
9           conduct leading to conviction for the offense resulted  
10          in great bodily harm to the victim, shall receive no  
11          more than 4.5 days of good conduct credit for each  
12          month of his or her sentence of imprisonment;

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

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

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

14 (vii) that a prisoner serving a sentence for  
15 aggravated domestic battery shall receive no more than  
16 4.5 days of good conduct credit for each month of his  
17 or her sentence of imprisonment.

18 (2.1) For all offenses, other than those enumerated in  
19 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
20 June 19, 1998 or subdivision (a)(2)(iv) committed on or  
21 after June 23, 2005 (the effective date of Public Act  
22 94-71) or subdivision (a)(2)(v) committed on or after  
23 August 13, 2007 (the effective date of Public Act 95-134)  
24 or subdivision (a)(2)(vi) committed on or after June 1,  
25 2008 (the effective date of Public Act 95-625) or  
26 subdivision (a)(2)(vii) committed on or after July 23, 2010

1        (the effective date of Public Act 96-1224) ~~this amendatory~~  
2        ~~Act of the 96th General Assembly,~~ and other than the  
3        offense of aggravated driving under the influence of  
4        alcohol, other drug or drugs, or intoxicating compound or  
5        compounds, or any combination thereof as defined in  
6        subparagraph (F) of paragraph (1) of subsection (d) of  
7        Section 11-501 of the Illinois Vehicle Code, and other than  
8        the offense of aggravated driving under the influence of  
9        alcohol, other drug or drugs, or intoxicating compound or  
10       compounds, or any combination thereof as defined in  
11       subparagraph (C) of paragraph (1) of subsection (d) of  
12       Section 11-501 of the Illinois Vehicle Code committed on or  
13       after January 1, 2011 (the effective date of Public Act  
14       96-1230) ~~this amendatory Act of the 96th General Assembly,~~  
15       the rules and regulations shall provide that a prisoner who  
16       is serving a term of imprisonment shall receive one day of  
17       good conduct credit for each day of his or her sentence of  
18       imprisonment or recommitment under Section 3-3-9. Each day  
19       of good conduct credit shall reduce by one day the  
20       prisoner's period of imprisonment or recommitment under  
21       Section 3-3-9.

22            (2.2) A prisoner serving a term of natural life  
23       imprisonment or a prisoner who has been sentenced to death  
24       shall receive no good conduct credit.

25            (2.3) The rules and regulations on early release shall  
26       provide that a prisoner who is serving a sentence for

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, shall receive no more than 4.5 days  
6           of good conduct credit for each month of his or her  
7           sentence of imprisonment.

8           (2.4) The rules and regulations on early release shall  
9           provide with respect to the offenses of aggravated battery  
10          with a machine gun or a firearm equipped with any device or  
11          attachment designed or used for silencing the report of a  
12          firearm or aggravated discharge of a machine gun or a  
13          firearm equipped with any device or attachment designed or  
14          used for silencing the report of a firearm, committed on or  
15          after July 15, 1999 (the effective date of Public Act  
16          91-121), that a prisoner serving a sentence for any of  
17          these offenses shall receive no more than 4.5 days of good  
18          conduct credit for each month of his or her sentence of  
19          imprisonment.

20          (2.5) The rules and regulations on early release shall  
21          provide that a prisoner who is serving a sentence for  
22          aggravated arson committed on or after July 27, 2001 (the  
23          effective date of Public Act 92-176) shall receive no more  
24          than 4.5 days of good conduct credit for each month of his  
25          or her sentence of imprisonment.

26          (2.6) The rules and regulations on early release shall

1 provide that a prisoner who is serving a sentence for  
2 aggravated driving under the influence of alcohol, other  
3 drug or drugs, or intoxicating compound or compounds, or  
4 any combination thereof as defined in subparagraph (C) of  
5 paragraph (1) of subsection (d) of Section 11-501 of the  
6 Illinois Vehicle Code committed on or after January 1, 2011  
7 (the effective date of Public Act 96-1230) ~~this amendatory~~  
8 ~~Act of the 96th General Assembly,~~ 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 (3) The rules and regulations shall also provide that  
12 the Director may award up to 180 days additional good  
13 conduct credit for meritorious service in specific  
14 instances as the Director deems proper; except that no more  
15 than 90 days of good conduct credit for meritorious service  
16 shall be awarded to any prisoner who is serving a sentence  
17 for conviction of first degree murder, reckless homicide  
18 while under the influence of alcohol or any other drug, or  
19 aggravated driving under the influence of alcohol, other  
20 drug or drugs, or intoxicating compound or compounds, or  
21 any combination thereof as defined in subparagraph (F) of  
22 paragraph (1) of subsection (d) of Section 11-501 of the  
23 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
24 predatory criminal sexual assault of a child, aggravated  
25 criminal sexual assault, criminal sexual assault, deviate  
26 sexual assault, aggravated criminal sexual abuse,



1 aggravated indecent liberties with a child, indecent  
2 liberties with a child, child pornography, heinous  
3 battery, aggravated battery of a spouse, aggravated  
4 battery of a spouse with a firearm, stalking, aggravated  
5 stalking, aggravated battery of a child, endangering the  
6 life or health of a child, or cruelty to a child.  
7 Notwithstanding the foregoing, good conduct credit for  
8 meritorious service shall not be awarded on a sentence of  
9 imprisonment imposed for conviction of: (i) one of the  
10 offenses enumerated in subdivision (a)(2)(i), (ii), or  
11 (iii) when the offense is committed on or after June 19,  
12 1998 or subdivision (a)(2)(iv) when the offense is  
13 committed on or after June 23, 2005 (the effective date of  
14 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
15 is committed on or after August 13, 2007 (the effective  
16 date of Public Act 95-134) or subdivision (a)(2)(vi) when  
17 the offense is committed on or after June 1, 2008 (the  
18 effective date of Public Act 95-625) or subdivision  
19 (a)(2)(vii) when the offense is committed on or after July  
20 23, 2010 (the effective date of Public Act 96-1224) ~~this~~  
21 ~~amendatory Act of the 96th General Assembly~~, (ii)  
22 aggravated driving under the influence of alcohol, other  
23 drug or drugs, or intoxicating compound or compounds, or  
24 any combination thereof as defined in subparagraph (F) of  
25 paragraph (1) of subsection (d) of Section 11-501 of the  
26 Illinois Vehicle Code, (iii) one of the offenses enumerated

1 in subdivision (a) (2.4) when the offense is committed on or  
2 after July 15, 1999 (the effective date of Public Act  
3 91-121), (iv) aggravated arson when the offense is  
4 committed on or after July 27, 2001 (the effective date of  
5 Public Act 92-176), ~~or~~ (v) offenses that may subject the  
6 offender to commitment under the Sexually Violent Persons  
7 Commitment Act, or (vi) ~~(v)~~ aggravated driving under the  
8 influence of alcohol, other drug or drugs, or intoxicating  
9 compound or compounds, or any combination thereof as  
10 defined in subparagraph (C) of paragraph (1) of subsection  
11 (d) of Section 11-501 of the Illinois Vehicle Code  
12 committed on or after January 1, 2011 (the effective date  
13 of Public Act 96-1230) ~~this amendatory Act of the 96th~~  
14 ~~General Assembly.~~

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

23 (A) is eligible for good conduct credit for  
24 meritorious service;

25 (B) has served a minimum of 60 days, or as close to  
26 60 days as the sentence will allow; and

1           (C) has met the eligibility criteria established  
2           by rule.

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

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

1 (a) (2) (vi) when the offense is committed on or after June  
2 1, 2008 (the effective date of Public Act 95-625) or  
3 subdivision (a) (2) (vii) when the offense is committed on or  
4 after July 23, 2010 (the effective date of Public Act  
5 96-1224) ~~this amendatory Act of the 96th General Assembly,~~  
6 or if convicted of aggravated driving under the influence  
7 of alcohol, other drug or drugs, or intoxicating compound  
8 or compounds, or any combination thereof as defined in  
9 subparagraph (F) of paragraph (1) of subsection (d) of  
10 Section 11-501 of the Illinois Vehicle Code, or if  
11 convicted of aggravated driving under the influence of  
12 alcohol, other drug or drugs, or intoxicating compound or  
13 compounds, or any combination thereof as defined in  
14 subparagraph (C) of paragraph (1) of subsection (d) of  
15 Section 11-501 of the Illinois Vehicle Code committed on or  
16 after January 1, 2011 (the effective date of Public Act  
17 96-1230) ~~this amendatory Act of the 96th General Assembly,~~  
18 or if convicted of an offense enumerated in paragraph  
19 (a) (2.4) of this Section that is committed on or after July  
20 15, 1999 (the effective date of Public Act 91-121), or  
21 first degree murder, a Class X felony, criminal sexual  
22 assault, felony criminal sexual abuse, aggravated criminal  
23 sexual abuse, aggravated battery with a firearm, or any  
24 predecessor or successor offenses with the same or  
25 substantially the same elements, or any inchoate offenses  
26 relating to the foregoing offenses. No inmate shall be

1 eligible for the additional good conduct credit under this  
2 paragraph (4) who (i) has previously received increased  
3 good conduct credit under this paragraph (4) and has  
4 subsequently been convicted of a felony, or (ii) has  
5 previously served more than one prior sentence of  
6 imprisonment for a felony in an adult correctional  
7 facility.

8 Educational, vocational, substance abuse and  
9 correctional industry programs under which good conduct  
10 credit may be increased under this paragraph (4) and  
11 paragraph (4.1) of this subsection (a) shall be evaluated  
12 by the Department on the basis of documented standards. The  
13 Department shall report the results of these evaluations to  
14 the Governor and the General Assembly by September 30th of  
15 each year. The reports shall include data relating to the  
16 recidivism rate among program participants.

17 Availability of these programs shall be subject to the  
18 limits of fiscal resources appropriated by the General  
19 Assembly for these purposes. Eligible inmates who are  
20 denied immediate admission shall be placed on a waiting  
21 list under criteria established by the Department. The  
22 inability of any inmate to become engaged in any such  
23 programs by reason of insufficient program resources or for  
24 any other reason established under the rules and  
25 regulations of the Department shall not be deemed a cause  
26 of action under which the Department or any employee or

1 agent of the Department shall be liable for damages to the  
2 inmate.

3 (4.1) The rules and regulations shall also provide that  
4 an additional 60 days of good conduct credit shall be  
5 awarded to any prisoner who passes the high school level  
6 Test of General Educational Development (GED) while the  
7 prisoner is incarcerated. The good conduct credit awarded  
8 under this paragraph (4.1) shall be in addition to, and  
9 shall not affect, the award of good conduct under any other  
10 paragraph of this Section, but shall also be pursuant to  
11 the guidelines and restrictions set forth in paragraph (4)  
12 of subsection (a) of this Section. The good conduct credit  
13 provided for in this paragraph shall be available only to  
14 those prisoners who have not previously earned a high  
15 school diploma or a GED. If, after an award of the GED good  
16 conduct credit has been made and the Department determines  
17 that the prisoner was not eligible, then the award shall be  
18 revoked.

19 (4.5) The rules and regulations on early release shall  
20 also provide that when the court's sentencing order  
21 recommends a prisoner for substance abuse treatment and the  
22 crime was committed on or after September 1, 2003 (the  
23 effective date of Public Act 93-354), the prisoner shall  
24 receive no good conduct credit awarded under clause (3) of  
25 this subsection (a) unless he or she participates in and  
26 completes a substance abuse treatment program. The

1 Director may waive the requirement to participate in or  
2 complete a substance abuse treatment program and award the  
3 good conduct credit in specific instances if the prisoner  
4 is not a good candidate for a substance abuse treatment  
5 program for medical, programming, or operational reasons.  
6 Availability of substance abuse treatment shall be subject  
7 to the limits of fiscal resources appropriated by the  
8 General Assembly for these purposes. If treatment is not  
9 available and the requirement to participate and complete  
10 the treatment has not been waived by the Director, the  
11 prisoner shall be placed on a waiting list under criteria  
12 established by the Department. The Director may allow a  
13 prisoner placed on a waiting list to participate in and  
14 complete a substance abuse education class or attend  
15 substance abuse self-help meetings in lieu of a substance  
16 abuse treatment program. A prisoner on a waiting list who  
17 is not placed in a substance abuse program prior to release  
18 may be eligible for a waiver and receive good conduct  
19 credit under clause (3) of this subsection (a) at the  
20 discretion of the Director.

21 (4.6) The rules and regulations on early release shall  
22 also provide that a prisoner who has been convicted of a  
23 sex offense as defined in Section 2 of the Sex Offender  
24 Registration Act shall receive no good conduct credit  
25 unless he or she either has successfully completed or is  
26 participating in sex offender treatment as defined by the

1 Sex Offender Management Board. However, prisoners who are  
2 waiting to receive such treatment, but who are unable to do  
3 so due solely to the lack of resources on the part of the  
4 Department, may, at the Director's sole discretion, be  
5 awarded good conduct credit at such rate as the Director  
6 shall determine.

7 (5) Whenever the Department is to release any inmate  
8 earlier than it otherwise would because of a grant of good  
9 conduct credit for meritorious service given at any time  
10 during the term, the Department shall give reasonable  
11 notice of the impending release not less than 14 days prior  
12 to the date of the release to the Governor, the sheriff of  
13 the county where the prosecution of the inmate took place,  
14 the State's Attorney of the county where the prosecution of  
15 the inmate took place, and if applicable, the State's  
16 Attorney of the county into which the inmate will be  
17 released. The Department must also make identification  
18 information and a recent photo of the inmate being released  
19 accessible on the Internet by means of a hyperlink labeled  
20 "Community Notification of Inmate Early Release" on the  
21 Department's World Wide Web homepage. The identification  
22 information shall include the inmate's: name, any known  
23 alias, date of birth, physical characteristics, residence  
24 address, commitment offense and county where conviction  
25 was imposed. The identification information shall be  
26 placed on the website within 3 days of the inmate's release



1           and the information may not be removed until either:  
2           completion of the first year of mandatory supervised  
3           release or return of the inmate to custody of the  
4           Department.

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

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

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

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

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

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

20 (d) If a lawsuit is filed by a prisoner in an Illinois or  
21 federal court against the State, the Department of Corrections,  
22 or the Prisoner Review Board, or against any of their officers  
23 or employees, and the court makes a specific finding that a  
24 pleading, motion, or other paper filed by the prisoner is  
25 frivolous, the Department of Corrections shall conduct a  
26 hearing to revoke up to 180 days of good conduct credit by

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

8 For purposes of this subsection (d):

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

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

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

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

23 (D) the allegations and other factual contentions  
24 do not have evidentiary support or, if specifically so  
25 identified, are not likely to have evidentiary support  
26 after a reasonable opportunity for further

1 investigation or discovery; or

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

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

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

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

1 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;  
2 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
3 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.  
4 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,  
5 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)

6 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

7 Sec. 3-14-1. Release from the Institution.

8 (a) Upon release of a person on parole, mandatory release,  
9 final discharge or pardon the Department shall return all  
10 property held for him, provide him with suitable clothing and  
11 procure necessary transportation for him to his designated  
12 place of residence and employment. It may provide such person  
13 with a grant of money for travel and expenses which may be paid  
14 in installments. The amount of the money grant shall be  
15 determined by the Department.

16 The Department of Corrections may establish and maintain,  
17 in any institution it administers, revolving funds to be known  
18 as "Travel and Allowances Revolving Funds". These revolving  
19 funds shall be used for advancing travel and expense allowances  
20 to committed, paroled, and discharged prisoners. The moneys  
21 paid into such revolving funds shall be from appropriations to  
22 the Department for Committed, Paroled, and Discharged  
23 Prisoners.

24 (b) (Blank).

25 (c) Except as otherwise provided in this Code, the

1 Department shall establish procedures to provide written  
2 notification of any release of any person who has been  
3 convicted of a felony to the State's Attorney and sheriff of  
4 the county from which the offender was committed, and the  
5 State's Attorney and sheriff of the county into which the  
6 offender is to be paroled or released. Except as otherwise  
7 provided in this Code, the Department shall establish  
8 procedures to provide written notification to the proper law  
9 enforcement agency for any municipality of any release of any  
10 person who has been convicted of a felony if the arrest of the  
11 offender or the commission of the offense took place in the  
12 municipality, if the offender is to be paroled or released into  
13 the municipality, or if the offender resided in the  
14 municipality at the time of the commission of the offense. If a  
15 person convicted of a felony who is in the custody of the  
16 Department of Corrections or on parole or mandatory supervised  
17 release informs the Department that he or she has resided,  
18 resides, or will reside at an address that is a housing  
19 facility owned, managed, operated, or leased by a public  
20 housing agency, the Department must send written notification  
21 of that information to the public housing agency that owns,  
22 manages, operates, or leases the housing facility. The written  
23 notification shall, when possible, be given at least 14 days  
24 before release of the person from custody, or as soon  
25 thereafter as possible.

26 (c-1) (Blank).

1       (c-2) The Department of Corrections shall establish  
2 uniform procedures for providing timely advance notice of early  
3 release of inmates to law enforcement in local jurisdictions  
4 and shall submit a report to the General Assembly, by January  
5 1, 2012, of those notice procedures.

6       (c-5) If a person on parole or mandatory supervised release  
7 becomes a resident of a facility licensed or regulated by the  
8 Department of Public Health, the Illinois Department of Public  
9 Aid, or the Illinois Department of Human Services, the  
10 Department of Corrections shall provide copies of the following  
11 information to the appropriate licensing or regulating  
12 Department and the licensed or regulated facility where the  
13 person becomes a resident:

14           (1) The mittimus and any pre-sentence investigation  
15 reports.

16           (2) The social evaluation prepared pursuant to Section  
17 3-8-2.

18           (3) Any pre-release evaluation conducted pursuant to  
19 subsection (j) of Section 3-6-2.

20           (4) Reports of disciplinary infractions and  
21 dispositions.

22           (5) Any parole plan, including orders issued by the  
23 Prisoner Review Board, and any violation reports and  
24 dispositions.

25           (6) The name and contact information for the assigned  
26 parole agent and parole supervisor.

1           This information shall be provided within 3 days of the  
2 person becoming a resident of the facility.

3           (c-10) If a person on parole or mandatory supervised  
4 release becomes a resident of a facility licensed or regulated  
5 by the Department of Public Health, the Illinois Department of  
6 Public Aid, or the Illinois Department of Human Services, the  
7 Department of Corrections shall provide written notification  
8 of such residence to the following:

9                     (1) The Prisoner Review Board.

10                    (2) The chief of police and sheriff in the municipality  
11 and county in which the licensed facility is located.

12           The notification shall be provided within 3 days of the  
13 person becoming a resident of the facility.

14           (d) Upon the release of a committed person on parole,  
15 mandatory supervised release, final discharge or pardon, the  
16 Department shall provide such person with information  
17 concerning programs and services of the Illinois Department of  
18 Public Health to ascertain whether such person has been exposed  
19 to the human immunodeficiency virus (HIV) or any identified  
20 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

21           (e) Upon the release of a committed person on parole,  
22 mandatory supervised release, final discharge, or pardon, the  
23 Department shall provide the person who has met the criteria  
24 established by the Department with an identification card  
25 identifying the person as being on parole, mandatory supervised  
26 release, final discharge, or pardon, as the case may be. The



1 Department, in consultation with the Office of the Secretary of  
2 State, shall prescribe the form of the identification card,  
3 which may be similar to the form of the standard Illinois  
4 Identification Card. The Department shall inform the committed  
5 person that he or she may present the identification card to  
6 the Office of the Secretary of State upon application for a  
7 standard Illinois Identification Card in accordance with the  
8 Illinois Identification Card Act. The Department shall require  
9 the committed person to pay a \$1 fee for the identification  
10 card.

11 For purposes of a committed person receiving an  
12 identification card issued by the Department under this  
13 subsection, the Department shall establish criteria that the  
14 committed person must meet before the card is issued. It is the  
15 sole responsibility of the committed person requesting the  
16 identification card issued by the Department to meet the  
17 established criteria. The person's failure to meet the criteria  
18 is sufficient reason to deny the committed person the  
19 identification card. An identification card issued by the  
20 Department under this subsection shall be valid for a period of  
21 time not to exceed 30 calendar days from the date the card is  
22 issued. The Department shall not be held civilly or criminally  
23 liable to anyone because of any act of any person utilizing a  
24 card issued by the Department under this subsection.

25 The Department shall adopt rules governing the issuance of  
26 identification cards to committed persons being released on

1 parole, mandatory supervised release, final discharge, or  
2 pardon.

3 (Source: P.A. 94-163, eff. 7-11-05.)

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