

SB3702



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3702

Introduced 2/10/2012, by Sen. John J. Millner

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that a prisoner serving a sentence for attempt to commit predatory criminal sexual assault of a child, attempt to commit aggravated criminal sexual assault, attempt to commit criminal sexual assault, or attempt to commit aggravated kidnapping when any of those offenses are committed on or after the effective date of the amendatory Act shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

LRB097 18497 RLC 63728 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning corrections.

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),
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) or with
5 respect to the offense of attempt to commit predatory
6 criminal sexual assault of a child, attempt to commit
7 aggravated criminal sexual assault, attempt to commit
8 criminal sexual assault, or attempt to commit aggravated
9 kidnapping when any of those offenses are committed on or
10 after the effective date of this amendatory Act of the 97th
11 General Assembly, the following:

12 (i) that a prisoner who is serving a term of
13 imprisonment for first degree murder or for the offense
14 of terrorism shall receive no good conduct credit and
15 shall 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 or an attempt to commit that offense,
21 aggravated criminal sexual assault or an attempt to
22 commit that offense, criminal sexual assault or an
23 attempt to commit that offense, aggravated kidnapping
24 or an attempt to commit that offense, aggravated
25 battery with a firearm as described in Section 12-4.2
26 or subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of

1 Section 12-3.05, heinous battery as described in
2 Section 12-4.1 or subdivision (a)(2) of Section
3 12-3.05, being an armed habitual criminal, aggravated
4 battery of a senior citizen as described in Section
5 12-4.6 or subdivision (a)(4) of Section 12-3.05, or
6 aggravated battery of a child as described in Section
7 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall
8 receive no more than 4.5 days of good conduct credit
9 for each month of his or her sentence of imprisonment;

10 (iii) that a prisoner serving a sentence for home
11 invasion, armed robbery, aggravated vehicular
12 hijacking, aggravated discharge of a firearm, or armed
13 violence with a category I weapon or category II
14 weapon, when the court has made and entered a finding,
15 pursuant to subsection (c-1) of Section 5-4-1 of this
16 Code, that the conduct leading to conviction for the
17 enumerated offense resulted in great bodily harm to a
18 victim, shall receive no more than 4.5 days of good
19 conduct credit for each month of his or her sentence of
20 imprisonment;

21 (iv) that a prisoner serving a sentence for
22 aggravated discharge of a firearm, whether or not the
23 conduct leading to conviction for the offense resulted
24 in great bodily harm to the victim, shall receive no
25 more than 4.5 days of good conduct credit for each
26 month of his or her sentence of imprisonment;

1 (v) that a person serving a sentence for
2 gunrunning, narcotics racketeering, controlled
3 substance trafficking, methamphetamine trafficking,
4 drug-induced homicide, aggravated
5 methamphetamine-related child endangerment, money
6 laundering pursuant to clause (c) (4) or (5) of Section
7 29B-1 of the Criminal Code of 1961, or a Class X felony
8 conviction for delivery of a controlled substance,
9 possession of a controlled substance with intent to
10 manufacture or deliver, calculated criminal drug
11 conspiracy, criminal drug conspiracy, street gang
12 criminal drug conspiracy, participation in
13 methamphetamine manufacturing, aggravated
14 participation in methamphetamine manufacturing,
15 delivery of methamphetamine, possession with intent to
16 deliver methamphetamine, aggravated delivery of
17 methamphetamine, aggravated possession with intent to
18 deliver methamphetamine, methamphetamine conspiracy
19 when the substance containing the controlled substance
20 or methamphetamine is 100 grams or more shall receive
21 no more than 7.5 days good conduct credit for each
22 month of his or her sentence of imprisonment;

23 (vi) that a prisoner serving a sentence for a
24 second or subsequent offense of luring a minor shall
25 receive no more than 4.5 days of good conduct credit
26 for each month of his or her sentence of imprisonment;

1 and

2 (vii) that a prisoner serving a sentence for
3 aggravated domestic battery shall receive no more than
4 4.5 days of good conduct credit for each month of his
5 or her sentence of imprisonment.

6 (2.1) For all offenses, other than those enumerated in
7 subdivision (a)(2)(i), (ii), or (iii) committed on or after
8 June 19, 1998 or subdivision (a)(2)(iv) committed on or
9 after June 23, 2005 (the effective date of Public Act
10 94-71) or subdivision (a)(2)(v) committed on or after
11 August 13, 2007 (the effective date of Public Act 95-134)
12 or subdivision (a)(2)(vi) committed on or after June 1,
13 2008 (the effective date of Public Act 95-625) or
14 subdivision (a)(2)(vii) committed on or after July 23, 2010
15 (the effective date of Public Act 96-1224), and other than
16 the offense of aggravated driving under the influence of
17 alcohol, other drug or drugs, or intoxicating compound or
18 compounds, or any combination thereof as defined in
19 subparagraph (F) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code, and other than
21 the offense of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds, or any combination thereof as defined in
24 subparagraph (C) of paragraph (1) of subsection (d) of
25 Section 11-501 of the Illinois Vehicle Code committed on or
26 after January 1, 2011 (the effective date of Public Act

1 96-1230), the rules and regulations shall provide that a
2 prisoner who is serving a term of imprisonment shall
3 receive one day of good conduct credit for each day of his
4 or her sentence of imprisonment or recommitment under
5 Section 3-3-9. Each day of good conduct credit shall reduce
6 by one day the prisoner's period of imprisonment or
7 recommitment under Section 3-3-9.

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

11 (2.3) 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 (F) of
16 paragraph (1) of subsection (d) of Section 11-501 of the
17 Illinois Vehicle Code, shall receive no more than 4.5 days
18 of good conduct credit for each month of his or her
19 sentence of imprisonment.

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

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

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

12 (2.6) The rules and regulations on early release shall
13 provide that a prisoner who is serving a sentence for
14 aggravated driving under the influence of alcohol, other
15 drug or drugs, or intoxicating compound or compounds or any
16 combination thereof as defined in subparagraph (C) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code committed on or after January 1, 2011
19 (the effective date of Public Act 96-1230) shall receive no
20 more than 4.5 days of good conduct credit for each month of
21 his 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 battery
14 as described in Section 12-4.1 or subdivision (a)(2) of
15 Section 12-3.05, aggravated battery of a spouse,
16 aggravated battery of a spouse with a firearm, stalking,
17 aggravated stalking, aggravated battery of a child as
18 described in Section 12-4.3 or subdivision (b)(1) of
19 Section 12-3.05, endangering the life or health of a child,
20 or cruelty to a child. Notwithstanding the foregoing, good
21 conduct credit for meritorious service shall not be awarded
22 on a sentence of imprisonment imposed for conviction of:
23 (i) one of the offenses enumerated in subdivision
24 (a)(2)(i), (ii), or (iii) when the offense is committed on
25 or after June 19, 1998 or subdivision (a)(2)(iv) when the
26 offense is committed on or after June 23, 2005 (the

1 effective date of Public Act 94-71) or subdivision
2 (a)(2)(v) when the offense is committed on or after August
3 13, 2007 (the effective date of Public Act 95-134) or
4 subdivision (a)(2)(vi) when the offense is committed on or
5 after June 1, 2008 (the effective date of Public Act
6 95-625) or subdivision (a)(2)(vii) when the offense is
7 committed on or after July 23, 2010 (the effective date of
8 Public Act 96-1224), (ii) aggravated driving under the
9 influence of alcohol, other drug or drugs, or intoxicating
10 compound or compounds, or any combination thereof as
11 defined in subparagraph (F) of paragraph (1) of subsection
12 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
13 one of the offenses enumerated in subdivision (a)(2.4) when
14 the offense is committed on or after July 15, 1999 (the
15 effective date of Public Act 91-121), (iv) aggravated arson
16 when the offense is committed on or after July 27, 2001
17 (the effective date of Public Act 92-176), (v) offenses
18 that may subject the offender to commitment under the
19 Sexually Violent Persons Commitment Act, or (vi)
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds or any
22 combination thereof as defined in subparagraph (C) of
23 paragraph (1) of subsection (d) of Section 11-501 of the
24 Illinois Vehicle Code committed on or after January 1, 2011
25 (the effective date of Public Act 96-1230).

26 The Director shall not award good conduct credit for

1 meritorious service under this paragraph (3) to an inmate
2 unless the inmate has served a minimum of 60 days of the
3 sentence; except nothing in this paragraph shall be
4 construed to permit the Director to extend an inmate's
5 sentence beyond that which was imposed by the court. Prior
6 to awarding credit under this paragraph (3), the Director
7 shall make a written determination that the inmate:

8 (A) is eligible for good conduct credit for
9 meritorious service;

10 (B) has served a minimum of 60 days, or as close to
11 60 days as the sentence will allow; and

12 (C) has met the eligibility criteria established
13 by rule.

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

16 (4) The rules and regulations shall also provide that
17 the good conduct credit accumulated and retained under
18 paragraph (2.1) of subsection (a) of this Section by any
19 inmate during specific periods of time in which such inmate
20 is engaged full-time in substance abuse programs,
21 correctional industry assignments, or educational programs
22 provided by the Department under this paragraph (4) and
23 satisfactorily completes the assigned program as
24 determined by the standards of the Department, shall be
25 multiplied by a factor of 1.25 for program participation
26 before August 11, 1993 and 1.50 for program participation

1 on or after that date. However, no inmate shall be eligible
2 for the additional good conduct credit under this paragraph
3 (4) or (4.1) of this subsection (a) while assigned to a
4 boot camp or electronic detention, or if convicted of an
5 offense enumerated in subdivision (a)(2)(i), (ii), or
6 (iii) of this Section that is committed on or after June
7 19, 1998 or subdivision (a)(2)(iv) of this Section that is
8 committed on or after June 23, 2005 (the effective date of
9 Public Act 94-71) or subdivision (a)(2)(v) of this Section
10 that is committed on or after August 13, 2007 (the
11 effective date of Public Act 95-134) or subdivision
12 (a)(2)(vi) when the offense is committed on or after June
13 1, 2008 (the effective date of Public Act 95-625) or
14 subdivision (a)(2)(vii) when the offense is committed on or
15 after July 23, 2010 (the effective date of Public Act
16 96-1224), or if convicted of aggravated driving under the
17 influence of alcohol, other drug or drugs, or intoxicating
18 compound or compounds or any combination thereof as defined
19 in subparagraph (F) of paragraph (1) of subsection (d) of
20 Section 11-501 of the Illinois Vehicle Code, or if
21 convicted of aggravated driving under the influence of
22 alcohol, other drug or drugs, or intoxicating compound or
23 compounds or any combination thereof as defined in
24 subparagraph (C) of paragraph (1) of subsection (d) of
25 Section 11-501 of the Illinois Vehicle Code committed on or
26 after January 1, 2011 (the effective date of Public Act

1 96-1230), or if convicted of an offense enumerated in
2 paragraph (a)(2.4) of this Section that is committed on or
3 after July 15, 1999 (the effective date of Public Act
4 91-121), or first degree murder, a Class X felony, criminal
5 sexual assault, felony criminal sexual abuse, aggravated
6 criminal sexual abuse, aggravated battery with a firearm as
7 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
8 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or
9 successor offenses with the same or substantially the same
10 elements, or any inchoate offenses relating to the
11 foregoing offenses. No inmate shall be eligible for the
12 additional good conduct credit under this paragraph (4) who
13 (i) has previously received increased good conduct credit
14 under this paragraph (4) and has subsequently been
15 convicted of a felony, or (ii) has previously served more
16 than one prior sentence of imprisonment for a felony in an
17 adult 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 12-3.4 or 12-30 of the Criminal Code of 1961,
4 earlier than it otherwise would because of a grant of good
5 conduct credit, the Department, as a condition of such early
6 release, shall require that the person, upon release, be placed
7 under electronic surveillance as provided in Section 5-8A-7 of
8 this 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; 96-1110, eff.
12 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
13 eff. 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11;
14 97-333, eff. 8-12-11.)