



Sen. Bill Cunningham

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1 AMENDMENT TO SENATE BILL 1678

2 AMENDMENT NO. _____. Amend Senate Bill 1678 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Firearm Owners Identification Card Act is
5 amended by changing Section 9 and by adding Section 9.5 as
6 follows:

7 (430 ILCS 65/9) (from Ch. 38, par. 83-9)

8 Sec. 9. Every person whose application for a Firearm
9 Owner's Identification Card is denied, and every holder of such
10 a Card whose Card is revoked or seized, shall receive a written
11 notice from the Department of State Police stating specifically
12 the grounds upon which his application has been denied or upon
13 which his Identification Card has been revoked. The written
14 notice shall include the requirements of Section 9.5 of this
15 Act. A copy of the written notice shall be provided to the
16 sheriff and law enforcement agency where the person resides.

1 (Source: P.A. 97-1131, eff. 1-1-13.)

2 (430 ILCS 65/9.5 new)

3 Sec. 9.5. Revocation of Firearm Owner's Identification
4 Card.

5 (a) A person who receives a revocation notice under Section
6 9 of this Act shall, within 48 hours of receiving notice of the
7 revocation:

8 (1) surrender his or her Firearm Owner's
9 Identification Card to the local law enforcement agency
10 where the person resides. The local law enforcement agency
11 shall provide the person a receipt and transmit the Firearm
12 Owner's Identification Card to the Department of State
13 Police; and

14 (2) complete a Firearm Disposition Record on a form
15 prescribed by the Department of State Police. The form
16 shall require the person to disclose:

17 (A) the make, model, and serial number of all
18 firearms owned by or under the custody and control of
19 the revoked person;

20 (B) the location where the firearms will be
21 maintained during the prohibited term; and

22 (C) if the firearms will be transferred to the
23 custody of another person, the name, address and
24 Identification number of the transferee.

25 (b) The local law enforcement agency shall provide a copy

1 of the Firearm Disposition Record to the person whose Firearm
2 Owner's Identification Card has been revoked and to the
3 Department of State Police.

4 (c) If the person whose Firearm Owner's Identification Card
5 has been revoked fails to comply with the requirements of this
6 Section, the sheriff or law enforcement agency where the person
7 resides may petition the circuit court to issue a warrant to
8 search for and seize the Firearm Owner's Identification Card
9 and firearms in the possession and under the custody or control
10 of the person whose Firearm Owner's Identification Card has
11 been revoked.

12 (d) A violation of this Section is a Class 4 felony.

13 (e) The observation of an Firearm Owner's Identification
14 Card in the possession of a person whose Firearm Owner's
15 Identification Card has been revoked constitutes a sufficient
16 basis for the arrest of that person for violation of this
17 Section.

18 (f) Within 60 days after the effective date of this
19 amendatory Act of the 98th General Assembly, the Department of
20 State Police shall provide written notice of the requirements
21 of this Section to persons whose Firearm Owner's Identification
22 Cards have not expired and who have failed to surrender their
23 cards to the Department.

24 (g) Persons whose Firearm Owner's Identification Cards
25 have been revoked and who receive notice under subsection (f)
26 shall comply with the requirements of this Section within 48

1 hours of receiving notice.

2 Section 10. The Unified Code of Corrections is amended by
3 changing Sections 3-2-2, 3-6-3, and 5-8-1 as follows:

4 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

5 Sec. 3-2-2. Powers and Duties of the Department.

6 (1) In addition to the powers, duties and responsibilities
7 which are otherwise provided by law, the Department shall have
8 the following powers:

9 (a) To accept persons committed to it by the courts of
10 this State for care, custody, treatment and
11 rehabilitation, and to accept federal prisoners and aliens
12 over whom the Office of the Federal Detention Trustee is
13 authorized to exercise the federal detention function for
14 limited purposes and periods of time.

15 (b) To develop and maintain reception and evaluation
16 units for purposes of analyzing the custody and
17 rehabilitation needs of persons committed to it and to
18 assign such persons to institutions and programs under its
19 control or transfer them to other appropriate agencies. In
20 consultation with the Department of Alcoholism and
21 Substance Abuse (now the Department of Human Services), the
22 Department of Corrections shall develop a master plan for
23 the screening and evaluation of persons committed to its
24 custody who have alcohol or drug abuse problems, and for

1 making appropriate treatment available to such persons;
2 the Department shall report to the General Assembly on such
3 plan not later than April 1, 1987. The maintenance and
4 implementation of such plan shall be contingent upon the
5 availability of funds.

6 (b-1) To create and implement, on January 1, 2002, a
7 pilot program to establish the effectiveness of
8 pupillometer technology (the measurement of the pupil's
9 reaction to light) as an alternative to a urine test for
10 purposes of screening and evaluating persons committed to
11 its custody who have alcohol or drug problems. The pilot
12 program shall require the pupillometer technology to be
13 used in at least one Department of Corrections facility.
14 The Director may expand the pilot program to include an
15 additional facility or facilities as he or she deems
16 appropriate. A minimum of 4,000 tests shall be included in
17 the pilot program. The Department must report to the
18 General Assembly on the effectiveness of the program by
19 January 1, 2003.

20 (b-5) To develop, in consultation with the Department
21 of State Police, a program for tracking and evaluating each
22 inmate from commitment through release for recording his or
23 her gang affiliations, activities, or ranks.

24 (c) To maintain and administer all State correctional
25 institutions and facilities under its control and to
26 establish new ones as needed. Pursuant to its power to

1 establish new institutions and facilities, the Department
2 may, with the written approval of the Governor, authorize
3 the Department of Central Management Services to enter into
4 an agreement of the type described in subsection (d) of
5 Section 405-300 of the Department of Central Management
6 Services Law (20 ILCS 405/405-300). The Department shall
7 designate those institutions which shall constitute the
8 State Penitentiary System.

9 Pursuant to its power to establish new institutions and
10 facilities, the Department may authorize the Department of
11 Central Management Services to accept bids from counties
12 and municipalities for the construction, remodeling or
13 conversion of a structure to be leased to the Department of
14 Corrections for the purposes of its serving as a
15 correctional institution or facility. Such construction,
16 remodeling or conversion may be financed with revenue bonds
17 issued pursuant to the Industrial Building Revenue Bond Act
18 by the municipality or county. The lease specified in a bid
19 shall be for a term of not less than the time needed to
20 retire any revenue bonds used to finance the project, but
21 not to exceed 40 years. The lease may grant to the State
22 the option to purchase the structure outright.

23 Upon receipt of the bids, the Department may certify
24 one or more of the bids and shall submit any such bids to
25 the General Assembly for approval. Upon approval of a bid
26 by a constitutional majority of both houses of the General

1 Assembly, pursuant to joint resolution, the Department of
2 Central Management Services may enter into an agreement
3 with the county or municipality pursuant to such bid.

4 (c-5) To build and maintain regional juvenile
5 detention centers and to charge a per diem to the counties
6 as established by the Department to defray the costs of
7 housing each minor in a center. In this subsection (c-5),
8 "juvenile detention center" means a facility to house
9 minors during pendency of trial who have been transferred
10 from proceedings under the Juvenile Court Act of 1987 to
11 prosecutions under the criminal laws of this State in
12 accordance with Section 5-805 of the Juvenile Court Act of
13 1987, whether the transfer was by operation of law or
14 permissive under that Section. The Department shall
15 designate the counties to be served by each regional
16 juvenile detention center.

17 (d) To develop and maintain programs of control,
18 rehabilitation and employment of committed persons within
19 its institutions.

20 (d-5) To provide a pre-release job preparation program
21 for inmates at Illinois adult correctional centers.

22 (e) To establish a system of supervision and guidance
23 of committed persons in the community.

24 (e-5) To enter into intergovernmental cooperation
25 agreements with county sheriffs under which sheriffs'
26 departments may enforce and assess compliance with the

1 conditions of parole or mandatory supervised release of
2 releasees residing in the county.

3 (f) To establish in cooperation with the Department of
4 Transportation to supply a sufficient number of prisoners
5 for use by the Department of Transportation to clean up the
6 trash and garbage along State, county, township, or
7 municipal highways as designated by the Department of
8 Transportation. The Department of Corrections, at the
9 request of the Department of Transportation, shall furnish
10 such prisoners at least annually for a period to be agreed
11 upon between the Director of Corrections and the Director
12 of Transportation. The prisoners used on this program shall
13 be selected by the Director of Corrections on whatever
14 basis he deems proper in consideration of their term,
15 behavior and earned eligibility to participate in such
16 program - where they will be outside of the prison facility
17 but still in the custody of the Department of Corrections.
18 Prisoners convicted of first degree murder, or a Class X
19 felony, or armed violence, or aggravated kidnapping, or
20 criminal sexual assault, aggravated criminal sexual abuse
21 or a subsequent conviction for criminal sexual abuse, or
22 forcible detention, or arson, or a prisoner adjudged a
23 Habitual Criminal shall not be eligible for selection to
24 participate in such program. The prisoners shall remain as
25 prisoners in the custody of the Department of Corrections
26 and such Department shall furnish whatever security is

1 necessary. The Department of Transportation shall furnish
2 trucks and equipment for the highway cleanup program and
3 personnel to supervise and direct the program. Neither the
4 Department of Corrections nor the Department of
5 Transportation shall replace any regular employee with a
6 prisoner.

7 (g) To maintain records of persons committed to it and
8 to establish programs of research, statistics and
9 planning.

10 (h) To investigate the grievances of any person
11 committed to the Department, to inquire into any alleged
12 misconduct by employees or committed persons, and to
13 investigate the assets of committed persons to implement
14 Section 3-7-6 of this Code; and for these purposes it may
15 issue subpoenas and compel the attendance of witnesses and
16 the production of writings and papers, and may examine
17 under oath any witnesses who may appear before it; to also
18 investigate alleged violations of a parolee's or
19 releasee's conditions of parole or release; and for this
20 purpose it may issue subpoenas and compel the attendance of
21 witnesses and the production of documents only if there is
22 reason to believe that such procedures would provide
23 evidence that such violations have occurred.

24 If any person fails to obey a subpoena issued under
25 this subsection, the Director may apply to any circuit
26 court to secure compliance with the subpoena. The failure

1 to comply with the order of the court issued in response
2 thereto shall be punishable as contempt of court.

3 (i) To appoint and remove the chief administrative
4 officers, and administer programs of training and
5 development of personnel of the Department. Personnel
6 assigned by the Department to be responsible for the
7 custody and control of committed persons or to investigate
8 the alleged misconduct of committed persons or employees or
9 alleged violations of a parolee's or releasee's conditions
10 of parole shall be conservators of the peace for those
11 purposes, and shall have the full power of peace officers
12 outside of the facilities of the Department in the
13 protection, arrest, retaking and reconfining of committed
14 persons or where the exercise of such power is necessary to
15 the investigation of such misconduct or violations.

16 (j) To cooperate with other departments and agencies
17 and with local communities for the development of standards
18 and programs for better correctional services in this
19 State.

20 (k) To administer all moneys and properties of the
21 Department.

22 (l) To report annually to the Governor on the committed
23 persons, institutions and programs of the Department.

24 (l-5) (Blank).

25 (m) To make all rules and regulations and exercise all
26 powers and duties vested by law in the Department.

1 (n) To establish rules and regulations for
2 administering a system of sentence credits, established in
3 accordance with Section 3-6-3, subject to review by the
4 Prisoner Review Board.

5 (o) To administer the distribution of funds from the
6 State Treasury to reimburse counties where State penal
7 institutions are located for the payment of assistant
8 state's attorneys' salaries under Section 4-2001 of the
9 Counties Code.

10 (p) To exchange information with the Department of
11 Human Services and the Department of Healthcare and Family
12 Services for the purpose of verifying living arrangements
13 and for other purposes directly connected with the
14 administration of this Code and the Illinois Public Aid
15 Code.

16 (q) To establish a diversion program.

17 The program shall provide a structured environment for
18 selected technical parole or mandatory supervised release
19 violators and committed persons who have violated the rules
20 governing their conduct while in work release. This program
21 shall not apply to those persons who have committed a new
22 offense while serving on parole or mandatory supervised
23 release or while committed to work release.

24 Elements of the program shall include, but shall not be
25 limited to, the following:

26 (1) The staff of a diversion facility shall provide

1 supervision in accordance with required objectives set
2 by the facility.

3 (2) Participants shall be required to maintain
4 employment.

5 (3) Each participant shall pay for room and board
6 at the facility on a sliding-scale basis according to
7 the participant's income.

8 (4) Each participant shall:

9 (A) provide restitution to victims in
10 accordance with any court order;

11 (B) provide financial support to his
12 dependents; and

13 (C) make appropriate payments toward any other
14 court-ordered obligations.

15 (5) Each participant shall complete community
16 service in addition to employment.

17 (6) Participants shall take part in such
18 counseling, educational and other programs as the
19 Department may deem appropriate.

20 (7) Participants shall submit to drug and alcohol
21 screening.

22 (8) The Department shall promulgate rules
23 governing the administration of the program.

24 (r) To enter into intergovernmental cooperation
25 agreements under which persons in the custody of the
26 Department may participate in a county impact

1 incarceration program established under Section 3-6038 or
2 3-15003.5 of the Counties Code.

3 (r-5) (Blank).

4 (r-10) To systematically and routinely identify with
5 respect to each streetgang active within the correctional
6 system: (1) each active gang; (2) every existing inter-gang
7 affiliation or alliance; and (3) the current leaders in
8 each gang. The Department shall promptly segregate leaders
9 from inmates who belong to their gangs and allied gangs.

10 "Segregate" means no physical contact and, to the extent
11 possible under the conditions and space available at the
12 correctional facility, prohibition of visual and sound
13 communication. For the purposes of this paragraph (r-10),
14 "leaders" means persons who:

15 (i) are members of a criminal streetgang;

16 (ii) with respect to other individuals within the
17 streetgang, occupy a position of organizer,
18 supervisor, or other position of management or
19 leadership; and

20 (iii) are actively and personally engaged in
21 directing, ordering, authorizing, or requesting
22 commission of criminal acts by others, which are
23 punishable as a felony, in furtherance of streetgang
24 related activity both within and outside of the
25 Department of Corrections.

26 "Streetgang", "gang", and "streetgang related" have the

1 meanings ascribed to them in Section 10 of the Illinois
2 Streetgang Terrorism Omnibus Prevention Act.

3 (s) To operate a super-maximum security institution,
4 in order to manage and supervise inmates who are disruptive
5 or dangerous and provide for the safety and security of the
6 staff and the other inmates.

7 (t) To monitor any unprivileged conversation or any
8 unprivileged communication, whether in person or by mail,
9 telephone, or other means, between an inmate who, before
10 commitment to the Department, was a member of an organized
11 gang and any other person without the need to show cause or
12 satisfy any other requirement of law before beginning the
13 monitoring, except as constitutionally required. The
14 monitoring may be by video, voice, or other method of
15 recording or by any other means. As used in this
16 subdivision (1)(t), "organized gang" has the meaning
17 ascribed to it in Section 10 of the Illinois Streetgang
18 Terrorism Omnibus Prevention Act.

19 As used in this subdivision (1)(t), "unprivileged
20 conversation" or "unprivileged communication" means a
21 conversation or communication that is not protected by any
22 privilege recognized by law or by decision, rule, or order
23 of the Illinois Supreme Court.

24 (u) To establish a Women's and Children's Pre-release
25 Community Supervision Program for the purpose of providing
26 housing and services to eligible female inmates, as

1 determined by the Department, and their newborn and young
2 children.

3 (u-5) To issue an order, whenever a person committed to
4 the Department absconds or absents himself or herself,
5 without authority to do so, from any facility or program to
6 which he or she is assigned. The order shall be certified
7 by the Director, the Supervisor of the Apprehension Unit,
8 or any person duly designated by the Director, with the
9 seal of the Department affixed. The order shall be directed
10 to all sheriffs, coroners, and police officers, or to any
11 particular person named in the order. Any order issued
12 pursuant to this subdivision (1) (u-5) shall be sufficient
13 warrant for the officer or person named in the order to
14 arrest and deliver the committed person to the proper
15 correctional officials and shall be executed the same as
16 criminal process.

17 (v) To do all other acts necessary to carry out the
18 provisions of this Chapter.

19 (2) The Department of Corrections shall by January 1, 1998,
20 consider building and operating a correctional facility within
21 100 miles of a county of over 2,000,000 inhabitants, especially
22 a facility designed to house juvenile participants in the
23 impact incarceration program.

24 (3) When the Department lets bids for contracts for medical
25 services to be provided to persons committed to Department
26 facilities by a health maintenance organization, medical

1 service corporation, or other health care provider, the bid may
2 only be let to a health care provider that has obtained an
3 irrevocable letter of credit or performance bond issued by a
4 company whose bonds have an investment grade or higher rating
5 by a bond rating organization.

6 (4) When the Department lets bids for contracts for food or
7 commissary services to be provided to Department facilities,
8 the bid may only be let to a food or commissary services
9 provider that has obtained an irrevocable letter of credit or
10 performance bond issued by a company whose bonds have an
11 investment grade or higher rating by a bond rating
12 organization.

13 (Source: P.A. 96-1265, eff. 7-26-10; 97-697, eff. 6-22-12;
14 97-800, eff. 7-13-12; 97-802, eff. 7-13-12; revised 7-23-12.)

15 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

16 Sec. 3-6-3. Rules and Regulations for Sentence Credit.

17 (a) (1) The Department of Corrections shall prescribe
18 rules and regulations for awarding and revoking sentence
19 credit for persons committed to the Department which shall
20 be subject to review by the Prisoner Review Board.

21 (1.5) As otherwise provided by law, sentence credit may
22 be awarded for the following:

23 (A) successful completion of programming while in
24 custody of the Department or while in custody prior to
25 sentencing;

1 (B) compliance with the rules and regulations of
2 the Department; or

3 (C) service to the institution, service to a
4 community, or service to the State.

5 (2) The rules and regulations on sentence credit shall
6 provide, with respect to offenses listed in clause (i),
7 (ii), or (iii) of this paragraph (2) committed on or after
8 June 19, 1998 or with respect to the offense listed in
9 clause (iv) of this paragraph (2) committed on or after
10 June 23, 2005 (the effective date of Public Act 94-71) or
11 with respect to offense listed in clause (vi) committed on
12 or after June 1, 2008 (the effective date of Public Act
13 95-625) or with respect to the offense of being an armed
14 habitual criminal committed on or after August 2, 2005 (the
15 effective date of Public Act 94-398) or with respect to the
16 offenses listed in clause (v) of this paragraph (2)
17 committed on or after August 13, 2007 (the effective date
18 of Public Act 95-134) or with respect to the offense of
19 aggravated domestic battery committed on or after July 23,
20 2010 (the effective date of Public Act 96-1224) or with
21 respect to the offense of attempt to commit terrorism
22 committed on or after January 1, 2013 (the effective date
23 of Public Act 97-990), the following:

24 (i) that a prisoner who is serving a term of
25 imprisonment for first degree murder or for the offense
26 of terrorism shall receive no sentence credit and shall

1 serve the entire sentence imposed by the court;

2 (ii) that a prisoner serving a sentence for attempt
3 to commit terrorism, attempt to commit first degree
4 murder, solicitation of murder, solicitation of murder
5 for hire, intentional homicide of an unborn child,
6 predatory criminal sexual assault of a child,
7 aggravated criminal sexual assault, criminal sexual
8 assault, aggravated kidnapping, aggravated battery
9 with a firearm as described in Section 12-4.2 or
10 subdivision (e) (1), (e) (2), (e) (3), or (e) (4) of
11 Section 12-3.05, heinous battery as described in
12 Section 12-4.1 or subdivision (a) (2) of Section
13 12-3.05, being an armed habitual criminal, aggravated
14 battery of a senior citizen as described in Section
15 12-4.6 or subdivision (a) (4) of Section 12-3.05, or
16 aggravated battery of a child as described in Section
17 12-4.3 or subdivision (b) (1) of Section 12-3.05, or
18 unlawful use or possession of weapons by felons or
19 persons in the custody of the Department of Corrections
20 facilities as described in Section 24-1.1, or unlawful
21 possession of a firearm by a street gang member as
22 described in 24-1.8, shall receive no more than 4.5
23 days of sentence credit for each month of his or her
24 sentence of imprisonment;

25 (iii) that a prisoner serving a sentence for home
26 invasion, armed robbery, aggravated vehicular

1 hijacking, aggravated discharge of a firearm, or armed
2 violence with a category I weapon or category II
3 weapon, when the court has made and entered a finding,
4 pursuant to subsection (c-1) of Section 5-4-1 of this
5 Code, that the conduct leading to conviction for the
6 enumerated offense resulted in great bodily harm to a
7 victim, shall receive no more than 4.5 days of sentence
8 credit for each month of his or her sentence of
9 imprisonment;

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

16 (v) that a person serving a sentence for
17 gunrunning, narcotics racketeering, controlled
18 substance trafficking, methamphetamine trafficking,
19 drug-induced homicide, aggravated
20 methamphetamine-related child endangerment, money
21 laundering pursuant to clause (c) (4) or (5) of Section
22 29B-1 of the Criminal Code of 1961 or the Criminal Code
23 of 2012, or a Class X felony conviction for delivery of
24 a controlled substance, possession of a controlled
25 substance with intent to manufacture or deliver,
26 calculated criminal drug conspiracy, criminal drug

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

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

17 (vii) that a prisoner serving a sentence for
18 aggravated domestic battery shall receive no more than
19 4.5 days of sentence credit for each month of his or
20 her sentence of imprisonment.

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

1 or subdivision (a)(2)(vi) committed on or after June 1,
2 2008 (the effective date of Public Act 95-625) or
3 subdivision (a)(2)(vii) committed on or after July 23, 2010
4 (the effective date of Public Act 96-1224), and other than
5 the offense of aggravated driving under the influence of
6 alcohol, other drug or drugs, or intoxicating compound or
7 compounds, or any combination thereof as defined in
8 subparagraph (F) of paragraph (1) of subsection (d) of
9 Section 11-501 of the Illinois Vehicle Code, and other than
10 the offense of aggravated driving under the influence of
11 alcohol, other drug or drugs, or intoxicating compound or
12 compounds, or any combination thereof as defined in
13 subparagraph (C) of paragraph (1) of subsection (d) of
14 Section 11-501 of the Illinois Vehicle Code committed on or
15 after January 1, 2011 (the effective date of Public Act
16 96-1230), the rules and regulations shall provide that a
17 prisoner who is serving a term of imprisonment shall
18 receive one day of sentence credit for each day of his or
19 her sentence of imprisonment or recommitment under Section
20 3-3-9. Each day of sentence credit shall reduce by one day
21 the prisoner's period of imprisonment or recommitment
22 under Section 3-3-9.

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

26 (2.3) The rules and regulations on sentence credit

1 shall 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 (F) of
5 paragraph (1) of subsection (d) of Section 11-501 of the
6 Illinois Vehicle Code, shall receive no more than 4.5 days
7 of sentence credit for each month of his or her sentence of
8 imprisonment.

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

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

1 (2.6) The rules and regulations on sentence credit
2 shall provide that a prisoner who is serving a sentence for
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds or any
5 combination thereof as defined in subparagraph (C) of
6 paragraph (1) of subsection (d) of Section 11-501 of the
7 Illinois Vehicle Code committed on or after January 1, 2011
8 (the effective date of Public Act 96-1230) shall receive no
9 more than 4.5 days of sentence 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 sentence
13 credit for good conduct in specific instances as the
14 Director deems proper. The good conduct may include, but is
15 not limited to, compliance with the rules and regulations
16 of the Department, service to the Department, service to a
17 community, or service to the State. However, the Director
18 shall not award more than 90 days of sentence credit for
19 good conduct to any prisoner who is serving a sentence for
20 conviction of first degree murder, reckless homicide while
21 under the influence of alcohol or any other drug, or
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, aggravated kidnapping, kidnapping,

1 predatory criminal sexual assault of a child, aggravated
2 criminal sexual assault, criminal sexual assault, deviate
3 sexual assault, aggravated criminal sexual abuse,
4 aggravated indecent liberties with a child, indecent
5 liberties with a child, child pornography, heinous battery
6 as described in Section 12-4.1 or subdivision (a)(2) of
7 Section 12-3.05, aggravated battery of a spouse,
8 aggravated battery of a spouse with a firearm, stalking,
9 aggravated stalking, aggravated battery of a child as
10 described in Section 12-4.3 or subdivision (b)(1) of
11 Section 12-3.05, endangering the life or health of a child,
12 or cruelty to a child. Notwithstanding the foregoing,
13 sentence credit for good conduct shall not be awarded on a
14 sentence of imprisonment imposed for conviction of: (i) one
15 of the offenses enumerated in subdivision (a)(2)(i), (ii),
16 or (iii) when the offense is committed on or after June 19,
17 1998 or subdivision (a)(2)(iv) when the offense is
18 committed on or after June 23, 2005 (the effective date of
19 Public Act 94-71) or subdivision (a)(2)(v) when the offense
20 is committed on or after August 13, 2007 (the effective
21 date of Public Act 95-134) or subdivision (a)(2)(vi) when
22 the offense is committed on or after June 1, 2008 (the
23 effective date of Public Act 95-625) or subdivision
24 (a)(2)(vii) when the offense is committed on or after July
25 23, 2010 (the effective date of Public Act 96-1224), (ii)
26 aggravated driving under the influence of alcohol, other

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

18 Eligible inmates for an award of sentence credit under this
19 paragraph (3) may be selected to receive the credit at the
20 Director's or his or her designee's sole discretion.
21 Consideration may be based on, but not limited to, any
22 available risk assessment analysis on the inmate, any history
23 of conviction for violent crimes as defined by the Rights of
24 Crime Victims and Witnesses Act, facts and circumstances of the
25 inmate's holding offense or offenses, and the potential for
26 rehabilitation.

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

8 (A) is eligible for the sentence credit;

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

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

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

15 (3.5) The Department shall provide annual written
16 reports to the Governor and the General Assembly on the
17 award of sentence credit for good conduct, with the first
18 report due January 1, 2014. The Department must publish
19 both reports on its website within 48 hours of transmitting
20 the reports to the Governor and the General Assembly. The
21 reports must include:

22 (A) the number of inmates awarded sentence credit
23 for good conduct;

24 (B) the average amount of sentence credit for good
25 conduct awarded;

26 (C) the holding offenses of inmates awarded

1 sentence credit for good conduct; and

2 (D) the number of sentence credit for good conduct
3 revocations.

4 (4) The rules and regulations shall also provide that
5 the sentence credit accumulated and retained under
6 paragraph (2.1) of subsection (a) of this Section by any
7 inmate during specific periods of time in which such inmate
8 is engaged full-time in substance abuse programs,
9 correctional industry assignments, educational programs,
10 behavior modification programs, life skills courses, or
11 re-entry planning provided by the Department under this
12 paragraph (4) and satisfactorily completes the assigned
13 program as determined by the standards of the Department,
14 shall be multiplied by a factor of 1.25 for program
15 participation before August 11, 1993 and 1.50 for program
16 participation on or after that date. The rules and
17 regulations shall also provide that sentence credit,
18 subject to the same offense limits and multiplier provided
19 in this paragraph, may be provided to an inmate who was
20 held in pre-trial detention prior to his or her current
21 commitment to the Department of Corrections and
22 successfully completed a full-time, 60-day or longer
23 substance abuse program, educational program, behavior
24 modification program, life skills course, or re-entry
25 planning provided by the county department of corrections
26 or county jail. Calculation of this county program credit

1 shall be done at sentencing as provided in Section
2 5-4.5-100 of this Code and shall be included in the
3 sentencing order. However, no inmate shall be eligible for
4 the additional sentence credit under this paragraph (4) or
5 (4.1) of this subsection (a) while assigned to a boot camp
6 or electronic detention, or if convicted of an offense
7 enumerated in subdivision (a)(2)(i), (ii), or (iii) of this
8 Section that is committed on or after June 19, 1998 or
9 subdivision (a)(2)(iv) of this Section that is committed on
10 or after June 23, 2005 (the effective date of Public Act
11 94-71) or subdivision (a)(2)(v) of this Section that is
12 committed on or after August 13, 2007 (the effective date
13 of Public Act 95-134) or subdivision (a)(2)(vi) when the
14 offense is committed on or after June 1, 2008 (the
15 effective date of Public Act 95-625) or subdivision
16 (a)(2)(vii) when the offense is committed on or after July
17 23, 2010 (the effective date of Public Act 96-1224), or if
18 convicted of aggravated driving under the influence of
19 alcohol, other drug or drugs, or intoxicating compound or
20 compounds or any combination thereof as defined in
21 subparagraph (F) of paragraph (1) of subsection (d) of
22 Section 11-501 of the Illinois Vehicle Code, or if
23 convicted of aggravated driving under the influence of
24 alcohol, other drug or drugs, or intoxicating compound or
25 compounds or any combination thereof as defined in
26 subparagraph (C) of paragraph (1) of subsection (d) of

1 Section 11-501 of the Illinois Vehicle Code committed on or
2 after January 1, 2011 (the effective date of Public Act
3 96-1230), or if convicted of an offense enumerated in
4 paragraph (a)(2.4) of this Section that is committed on or
5 after July 15, 1999 (the effective date of Public Act
6 91-121), or first degree murder, a Class X felony, criminal
7 sexual assault, felony criminal sexual abuse, aggravated
8 criminal sexual abuse, aggravated battery with a firearm as
9 described in Section 12-4.2 or subdivision (e)(1), (e)(2),
10 (e)(3), or (e)(4) of Section 12-3.05, or any predecessor or
11 successor offenses with the same or substantially the same
12 elements, or any inchoate offenses relating to the
13 foregoing offenses. No inmate shall be eligible for the
14 additional good conduct credit under this paragraph (4) who
15 (i) has previously received increased good conduct credit
16 under this paragraph (4) and has subsequently been
17 convicted of a felony, or (ii) has previously served more
18 than one prior sentence of imprisonment for a felony in an
19 adult correctional facility.

20 Educational, vocational, substance abuse, behavior
21 modification programs, life skills courses, re-entry
22 planning, and correctional industry programs under which
23 sentence credit may be increased under this paragraph (4)
24 and paragraph (4.1) of this subsection (a) shall be
25 evaluated by the Department on the basis of documented
26 standards. The Department shall report the results of these

1 evaluations to the Governor and the General Assembly by
2 September 30th of each year. The reports shall include data
3 relating to the recidivism rate among program
4 participants.

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

17 (4.1) The rules and regulations shall also provide that
18 an additional 60 days of sentence credit shall be awarded
19 to any prisoner who passes the high school level Test of
20 General Educational Development (GED) while the prisoner
21 is committed to the Department of Corrections. The sentence
22 credit awarded under this paragraph (4.1) shall be in
23 addition to, and shall not affect, the award of sentence
24 credit under any other paragraph of this Section, but shall
25 also be pursuant to the guidelines and restrictions set
26 forth in paragraph (4) of subsection (a) of this Section.

1 The sentence credit provided for in this paragraph shall be
2 available only to those prisoners who have not previously
3 earned a high school diploma or a GED. If, after an award
4 of the GED sentence credit has been made and the Department
5 determines that the prisoner was not eligible, then the
6 award shall be revoked. The Department may also award 60
7 days of sentence credit to any committed person who passed
8 the high school level Test of General Educational
9 Development (GED) while he or she was held in pre-trial
10 detention prior to the current commitment to the Department
11 of Corrections.

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

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

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

26 (5) Whenever the Department is to release any inmate

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

23 (b) Whenever a person is or has been committed under
24 several convictions, with separate sentences, the sentences
25 shall be construed under Section 5-8-4 in granting and
26 forfeiting of sentence credit.

1 (c) The Department shall prescribe rules and regulations
2 for revoking sentence credit, including revoking sentence
3 credit awarded for good conduct under paragraph (3) of
4 subsection (a) of this Section. The Department shall prescribe
5 rules and regulations for suspending or reducing the rate of
6 accumulation of sentence credit for specific rule violations,
7 during imprisonment. These rules and regulations shall provide
8 that no inmate may be penalized more than one year of sentence
9 credit for any one infraction.

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

1 beyond the length requested by the Department.

2 The Director of the Department of Corrections, in
3 appropriate cases, may restore up to 30 days of sentence
4 credits which have been revoked, suspended or reduced. Any
5 restoration of sentence credits in excess of 30 days shall be
6 subject to review by the Prisoner Review Board. However, the
7 Board may not restore sentence credit in excess of the amount
8 requested by the Director.

9 Nothing contained in this Section shall prohibit the
10 Prisoner Review Board from ordering, pursuant to Section
11 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
12 sentence imposed by the court that was not served due to the
13 accumulation of sentence credit.

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

1 For purposes of this subsection (d):

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

6 (A) it lacks an arguable basis either in law or in
7 fact;

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

11 (C) the claims, defenses, and other legal
12 contentions therein are not warranted by existing law
13 or by a nonfrivolous argument for the extension,
14 modification, or reversal of existing law or the
15 establishment of new law;

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

21 (E) the denials of factual contentions are not
22 warranted on the evidence, or if specifically so
23 identified, are not reasonably based on a lack of
24 information or belief.

25 (2) "Lawsuit" means a motion pursuant to Section 116-3
26 of the Code of Criminal Procedure of 1963, a habeas corpus

1 action under Article X of the Code of Civil Procedure or
2 under federal law (28 U.S.C. 2254), a petition for claim
3 under the Court of Claims Act, an action under the federal
4 Civil Rights Act (42 U.S.C. 1983), or a second or
5 subsequent petition for post-conviction relief under
6 Article 122 of the Code of Criminal Procedure of 1963
7 whether filed with or without leave of court or a second or
8 subsequent petition for relief from judgment under Section
9 2-1401 of the Code of Civil Procedure.

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

12 (f) Whenever the Department is to release any inmate who
13 has been convicted of a violation of an order of protection
14 under Section 12-3.4 or 12-30 of the Criminal Code of 1961 or
15 the Criminal Code of 2012, earlier than it otherwise would
16 because of a grant of sentence credit, the Department, as a
17 condition of release, shall require that the person, upon
18 release, be placed under electronic surveillance as provided in
19 Section 5-8A-7 of this Code.

20 (Source: P.A. 96-860, eff. 1-15-10; 96-1110, eff. 7-19-10;
21 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224, eff.
22 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11; 97-333,
23 eff. 8-12-11; 97-697, eff. 6-22-12; 97-990, eff. 1-1-13;
24 97-1150, eff. 1-25-13.)

25 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

1 Sec. 5-8-1. Natural life imprisonment; enhancements for
2 use of a firearm; mandatory supervised release terms.

3 (a) Except as otherwise provided in the statute defining
4 the offense or in Article 4.5 of Chapter V, a sentence of
5 imprisonment for a felony shall be a determinate sentence set
6 by the court under this Section, according to the following
7 limitations:

8 (1) for first degree murder,

9 (a) (blank),

10 (b) if a trier of fact finds beyond a reasonable
11 doubt that the murder was accompanied by exceptionally
12 brutal or heinous behavior indicative of wanton
13 cruelty or, except as set forth in subsection (a) (1) (c)
14 of this Section, that any of the aggravating factors
15 listed in subsection (b) or (b-5) of Section 9-1 of the
16 Criminal Code of 1961 or the Criminal Code of 2012 are
17 present, the court may sentence the defendant to a term
18 of natural life imprisonment, or

19 (c) the court shall sentence the defendant to a
20 term of natural life imprisonment when the death
21 penalty is not imposed if the defendant,

22 (i) has previously been convicted of first
23 degree murder under any state or federal law, or

24 (ii) is a person who, at the time of the
25 commission of the murder, had attained the age of
26 17 or more and is found guilty of murdering an

1 individual under 12 years of age; or, irrespective
2 of the defendant's age at the time of the
3 commission of the offense, is found guilty of
4 murdering more than one victim, or

5 (iii) is found guilty of murdering a peace
6 officer, fireman, or emergency management worker
7 when the peace officer, fireman, or emergency
8 management worker was killed in the course of
9 performing his official duties, or to prevent the
10 peace officer or fireman from performing his
11 official duties, or in retaliation for the peace
12 officer, fireman, or emergency management worker
13 from performing his official duties, and the
14 defendant knew or should have known that the
15 murdered individual was a peace officer, fireman,
16 or emergency management worker, or

17 (iv) is found guilty of murdering an employee
18 of an institution or facility of the Department of
19 Corrections, or any similar local correctional
20 agency, when the employee was killed in the course
21 of performing his official duties, or to prevent
22 the employee from performing his official duties,
23 or in retaliation for the employee performing his
24 official duties, or

25 (v) is found guilty of murdering an emergency
26 medical technician - ambulance, emergency medical

1 technician - intermediate, emergency medical
2 technician - paramedic, ambulance driver or other
3 medical assistance or first aid person while
4 employed by a municipality or other governmental
5 unit when the person was killed in the course of
6 performing official duties or to prevent the
7 person from performing official duties or in
8 retaliation for performing official duties and the
9 defendant knew or should have known that the
10 murdered individual was an emergency medical
11 technician - ambulance, emergency medical
12 technician - intermediate, emergency medical
13 technician - paramedic, ambulance driver, or other
14 medical assistant or first aid personnel, or

15 (vi) is a person who, at the time of the
16 commission of the murder, had not attained the age
17 of 17, and is found guilty of murdering a person
18 under 12 years of age and the murder is committed
19 during the course of aggravated criminal sexual
20 assault, criminal sexual assault, or aggravated
21 kidnaping, or

22 (vii) is found guilty of first degree murder
23 and the murder was committed by reason of any
24 person's activity as a community policing
25 volunteer or to prevent any person from engaging in
26 activity as a community policing volunteer. For

1 the purpose of this Section, "community policing
2 volunteer" has the meaning ascribed to it in
3 Section 2-3.5 of the Criminal Code of 2012.

4 For purposes of clause (v), "emergency medical
5 technician - ambulance", "emergency medical technician
6 - intermediate", "emergency medical technician -
7 paramedic", have the meanings ascribed to them in the
8 Emergency Medical Services (EMS) Systems Act.

9 (d) (i) if the person committed the offense while
10 armed with a firearm, 15 years shall be added to
11 the term of imprisonment imposed by the court;

12 (ii) if, during the commission of the offense,
13 the person personally discharged a firearm, 20
14 years shall be added to the term of imprisonment
15 imposed by the court;

16 (iii) if, during the commission of the
17 offense, the person personally discharged a
18 firearm that proximately caused great bodily harm,
19 permanent disability, permanent disfigurement, or
20 death to another person, 25 years or up to a term
21 of natural life shall be added to the term of
22 imprisonment imposed by the court.

23 (2) (blank);

24 (2.5) for a person convicted under the circumstances
25 described in subdivision (b) (1) (B) of Section 11-1.20 or
26 paragraph (3) of subsection (b) of Section 12-13,

1 subdivision (d) (2) of Section 11-1.30 or paragraph (2) of
2 subsection (d) of Section 12-14, subdivision (b) (1.2) of
3 Section 11-1.40 or paragraph (1.2) of subsection (b) of
4 Section 12-14.1, subdivision (b) (2) of Section 11-1.40 or
5 paragraph (2) of subsection (b) of Section 12-14.1 of the
6 Criminal Code of 1961 or the Criminal Code of 2012, the
7 sentence shall be a term of natural life imprisonment.

8 (b) (Blank).

9 (c) (Blank).

10 (d) Subject to earlier termination under Section 3-3-8, the
11 parole or mandatory supervised release term shall be written as
12 part of the sentencing order and shall be as follows:

13 (1) for first degree murder or a Class X felony except
14 for the offenses of predatory criminal sexual assault of a
15 child, aggravated criminal sexual assault, and criminal
16 sexual assault if committed on or after the effective date
17 of this amendatory Act of the 94th General Assembly and
18 except for the offense of aggravated child pornography
19 under Section 11-20.1B, 11-20.3, or 11-20.1 with
20 sentencing under subsection (c-5) of Section 11-20.1 of the
21 Criminal Code of 1961 or the Criminal Code of 2012, if
22 committed on or after January 1, 2009, 3 years;

23 (2) for a Class 1 felony or a Class 2 felony except for
24 the offense of criminal sexual assault if committed on or
25 after the effective date of this amendatory Act of the 94th
26 General Assembly and except for the offenses of manufacture

1 and dissemination of child pornography under clauses
2 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
3 of 1961 or the Criminal Code of 2012, if committed on or
4 after January 1, 2009, 2 years;

5 (3) for a Class 3 felony or a Class 4 felony, 1 year;

6 (4) for defendants who commit the offense of predatory
7 criminal sexual assault of a child, aggravated criminal
8 sexual assault, or criminal sexual assault, on or after the
9 effective date of this amendatory Act of the 94th General
10 Assembly, or who commit the offense of aggravated child
11 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
12 with sentencing under subsection (c-5) of Section 11-20.1
13 of the Criminal Code of 1961 or the Criminal Code of 2012,
14 manufacture of child pornography, or dissemination of
15 child pornography after January 1, 2009, the term of
16 mandatory supervised release shall range from a minimum of
17 3 years to a maximum of the natural life of the defendant;

18 (5) if the victim is under 18 years of age, for a
19 second or subsequent offense of aggravated criminal sexual
20 abuse or felony criminal sexual abuse, 4 years, at least
21 the first 2 years of which the defendant shall serve in an
22 electronic home detention program under Article 8A of
23 Chapter V of this Code;

24 (6) for a felony domestic battery, aggravated domestic
25 battery, stalking, aggravated stalking, and a felony
26 violation of an order of protection, 4 years; ~~4 years.~~

1 (7) for unlawful use or possession of weapons by felons
2 or persons in the custody of the Department of Corrections,
3 being an armed habitual criminal, aggravated battery with a
4 firearm, aggravated discharge of a firearm or unlawful
5 possession of a firearm by a street gang member, 10 years.

6 (e) (Blank).

7 (f) (Blank).

8 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;
9 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
10 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; 97-1109,
11 eff. 1-1-13; 97-1150, eff. 1-25-13.)

12 Section 15. The Mental Health and Developmental
13 Disabilities Confidentiality Act is amended by changing
14 Section 12 as follows:

15 (740 ILCS 110/12) (from Ch. 91 1/2, par. 812)

16 Sec. 12. (a) If the United States Secret Service or the
17 Department of State Police requests information from a mental
18 health or developmental disability facility, as defined in
19 Section 1-107 and 1-114 of the Mental Health and Developmental
20 Disabilities Code, relating to a specific recipient and the
21 facility director determines that disclosure of such
22 information may be necessary to protect the life of, or to
23 prevent the infliction of great bodily harm to, a public
24 official, or a person under the protection of the United States

1 Secret Service, only the following information may be
2 disclosed: the recipient's name, address, and age and the date
3 of any admission to or discharge from a facility; and any
4 information which would indicate whether or not the recipient
5 has a history of violence or presents a danger of violence to
6 the person under protection. Any information so disclosed shall
7 be used for investigative purposes only and shall not be
8 publicly disseminated. Any person participating in good faith
9 in the disclosure of such information in accordance with this
10 provision shall have immunity from any liability, civil,
11 criminal or otherwise, if such information is disclosed relying
12 upon the representation of an officer of the United States
13 Secret Service or the Department of State Police that a person
14 is under the protection of the United States Secret Service or
15 is a public official.

16 For the purpose of this subsection (a), the term "public
17 official" means the Governor, Lieutenant Governor, Attorney
18 General, Secretary of State, State Comptroller, State
19 Treasurer, member of the General Assembly, member of the United
20 States Congress, Judge of the United States as defined in 28
21 U.S.C. 451, Justice of the United States as defined in 28
22 U.S.C. 451, United States Magistrate Judge as defined in 28
23 U.S.C. 639, Bankruptcy Judge appointed under 28 U.S.C. 152, or
24 Supreme, Appellate, Circuit, or Associate Judge of the State of
25 Illinois. The term shall also include the spouse, child or
26 children of a public official.

1 (b) The Department of Human Services (acting as successor
2 to the Department of Mental Health and Developmental
3 Disabilities) and all public or private hospitals, ~~and~~ mental
4 health facilities, physicians, clinical psychologists, and
5 qualified examiners are required, as hereafter described in
6 this subsection, to furnish the Department of State Police only
7 such information as may be required for the sole purpose of
8 determining whether an individual who may be or may have been a
9 patient is disqualified because of that status from receiving
10 or retaining a Firearm Owner's Identification Card under
11 subsection (e) or (f) of Section 8 of the Firearm Owners
12 Identification Card Act or 18 U.S.C. 922(g) and (n). All public
13 or private hospitals, ~~and~~ mental health facilities,
14 physicians, clinical psychologists, and qualified examiners
15 shall, in the form and manner required by the Department,
16 provide such information as shall be necessary for the
17 Department to comply with the reporting requirements to the
18 Department of State Police. Such information shall be furnished
19 within 48 hours ~~7 days~~ after admission to a public or private
20 hospital or mental health facility or the provision of services
21 to a patient described in clause (2) of this subsection (b).
22 Any such information disclosed under this subsection shall
23 remain privileged and confidential, and shall not be
24 redisclosed, except as required by clause (e) (2) of Section 3.1
25 of the Firearm Owners Identification Card Act, nor utilized for
26 any other purpose. The method of requiring the providing of

1 such information shall guarantee that no information is
2 released beyond what is necessary for this purpose. In
3 addition, the information disclosed shall be provided by the
4 Department within the time period established by Section 24-3
5 of the Criminal Code of 2012 regarding the delivery of
6 firearms. The method used shall be sufficient to provide the
7 necessary information within the prescribed time period, which
8 may include periodically providing lists to the Department of
9 Human Services or any public or private hospital or mental
10 health facility of Firearm Owner's Identification Card
11 applicants on which the Department or hospital shall indicate
12 the identities of those individuals who are to its knowledge
13 disqualified from having a Firearm Owner's Identification Card
14 for reasons described herein. The Department may provide for a
15 centralized source of information for the State on this subject
16 under its jurisdiction.

17 Any person, institution, or agency, under this Act,
18 participating in good faith in the reporting or disclosure of
19 records and communications otherwise in accordance with this
20 provision or with rules, regulations or guidelines issued by
21 the Department shall have immunity from any liability, civil,
22 criminal or otherwise, that might result by reason of the
23 action. For the purpose of any proceeding, civil or criminal,
24 arising out of a report or disclosure in accordance with this
25 provision, the good faith of any person, institution, or agency
26 so reporting or disclosing shall be presumed. The full extent

1 of the immunity provided in this subsection (b) shall apply to
2 any person, institution or agency that fails to make a report
3 or disclosure in the good faith belief that the report or
4 disclosure would violate federal regulations governing the
5 confidentiality of alcohol and drug abuse patient records
6 implementing 42 U.S.C. 290dd-3 and 290ee-3.

7 For purposes of this subsection (b) only, the following
8 terms shall have the meaning prescribed:

9 (1) "Hospital" means only that type of institution
10 which is providing full-time residential facilities and
11 treatment.

12 (2) "Patient" shall include only: (i) a person who is
13 an in-patient or resident of any public or private hospital
14 or mental health facility or (ii) a person who is an
15 out-patient or provided services by a public or private
16 hospital, ~~or~~ mental health facility, physician, clinical
17 psychologist, or qualified examiner whose mental condition
18 is of such a nature that it is manifested by violent,
19 suicidal, threatening, or assaultive behavior or reported
20 behavior, for which there is a reasonable belief by a
21 physician, clinical psychologist, or qualified examiner
22 that the condition poses a clear and present or imminent
23 danger to the patient, any other person or the community
24 meaning the patient's condition poses a clear and present
25 danger in accordance with subsection (f) of Section 8 of
26 the Firearm Owners Identification Card Act. The terms

1 physician, clinical psychologist, and qualified examiner
2 are defined in Sections 1-120, 1-103, and 1-122 of the
3 Mental Health and Developmental Disabilities Code.

4 (3) "Mental health facility" is defined by Section
5 1-114 of the Mental Health and Developmental Disabilities
6 Code.

7 (c) Upon the request of a peace officer who takes a person
8 into custody and transports such person to a mental health or
9 developmental disability facility pursuant to Section 3-606 or
10 4-404 of the Mental Health and Developmental Disabilities Code
11 or who transports a person from such facility, a facility
12 director shall furnish said peace officer the name, address,
13 age and name of the nearest relative of the person transported
14 to or from the mental health or developmental disability
15 facility. In no case shall the facility director disclose to
16 the peace officer any information relating to the diagnosis,
17 treatment or evaluation of the person's mental or physical
18 health.

19 For the purposes of this subsection (c), the terms "mental
20 health or developmental disability facility", "peace officer"
21 and "facility director" shall have the meanings ascribed to
22 them in the Mental Health and Developmental Disabilities Code.

23 (d) Upon the request of a peace officer or prosecuting
24 authority who is conducting a bona fide investigation of a
25 criminal offense, or attempting to apprehend a fugitive from
26 justice, a facility director may disclose whether a person is

1 present at the facility. Upon request of a peace officer or
2 prosecuting authority who has a valid forcible felony warrant
3 issued, a facility director shall disclose: (1) whether the
4 person who is the subject of the warrant is present at the
5 facility and (2) the date of that person's discharge or future
6 discharge from the facility. The requesting peace officer or
7 prosecuting authority must furnish a case number and the
8 purpose of the investigation or an outstanding arrest warrant
9 at the time of the request. Any person, institution, or agency
10 participating in good faith in disclosing such information in
11 accordance with this subsection (d) is immune from any
12 liability, civil, criminal or otherwise, that might result by
13 reason of the action.

14 (Source: P.A. 96-193, eff. 8-10-09; 97-1150, eff. 1-25-13.)

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."