



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB3475

by Rep. Rita Mayfield

SYNOPSIS AS INTRODUCED:

730 ILCS 5/5-5.5-5
730 ILCS 5/5-5.5-30

Amends the Unified Code of Corrections concerning certificates of good conduct. Provides that "eligible offender" does not include a person who has been convicted of arson, aggravated arson, kidnapping, aggravated kidnapping, aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof, or aggravated domestic battery. Eliminates the exclusion from "eligible offender" of a person who has been convicted of committing or attempting to commit a Class X felony or a forcible felony. Eliminates the exclusion from "eligible offender" of a person convicted of attempting to commit any of the specified offenses. Provides that if the most serious crime of which the individual was convicted is a felony (currently, a Class 1, 2, 3, or 4 felony), the minimum period of good conduct shall be 2 years.

LRB099 10157 RLC 30380 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 5-5.5-5 and 5-5.5-30 as follows:

6 (730 ILCS 5/5-5.5-5)

7 Sec. 5-5.5-5. Definitions and rules of construction. In
8 this Article:

9 "Eligible offender" means a person who has been convicted
10 of a crime in this State or of an offense in any other
11 jurisdiction that does not include any offense or attempted
12 offense that would subject a person to registration under the
13 Sex Offender Registration Act, the Arsonist Registration Act,
14 or the Murderer and Violent Offender Against Youth Registration
15 Act. "Eligible offender" does not include a person who has been
16 convicted of arson, aggravated arson, kidnapping, aggravated
17 kidnaping, committing or attempting to commit a Class X felony,
18 aggravated driving under the influence of alcohol, other drug
19 or drugs, or intoxicating compound or compounds, or any
20 combination thereof, or aggravated domestic battery, ~~or a~~
21 ~~forcible felony.~~

22 ~~"Forcible felony" means first degree murder, second degree~~
23 ~~murder, aggravated arson, arson, aggravated kidnapping,~~

1 ~~kidnapping, aggravated battery that resulted in great bodily~~
2 ~~harm or permanent disability, and any other felony which~~
3 ~~involved the use of physical force or violence against any~~
4 ~~individual that resulted in great bodily harm or permanent~~
5 ~~disability.~~

6 (Source: P.A. 96-852, eff. 1-1-10; 97-154, eff. 1-1-12;
7 97-1113, eff. 1-1-13.)

8 (730 ILCS 5/5-5.5-30)

9 Sec. 5-5.5-30. Issuance of certificate of good conduct.

10 (a) After a rehabilitation review has been held, in a
11 manner designated by the chief judge of the judicial circuit in
12 which the conviction was entered, the Circuit Court of that
13 judicial circuit shall have the power to issue a certificate of
14 good conduct to any eligible offender previously convicted of a
15 crime in this State, and shall make a specific finding of
16 rehabilitation with the force and effect of a final judgment on
17 the merits, when the Court is satisfied that:

18 (1) the applicant has conducted himself or herself in a
19 manner warranting the issuance for a minimum period in
20 accordance with the provisions of subsection (c) of this
21 Section;

22 (2) the relief to be granted by the certificate is
23 consistent with the rehabilitation of the applicant; and

24 (3) the relief to be granted is consistent with the
25 public interest.

1 (b) The Circuit Court shall have the power to issue a
2 certificate of good conduct to any person previously convicted
3 of a crime in any other jurisdiction, when the Court is
4 satisfied that:

5 (1) the applicant has demonstrated that there exist
6 specific facts and circumstances and specific sections of
7 Illinois State law that have an adverse impact on the
8 applicant and warrant the application for relief to be made
9 in Illinois; and

10 (2) the provisions of paragraphs (1), (2), and (3) of
11 subsection (a) of this Section have been met.

12 (c) The minimum period of good conduct by the individual
13 referred to in paragraph (1) of subsection (a) of this Section,
14 shall be as follows: if the most serious crime of which the
15 individual was convicted is a misdemeanor, the minimum period
16 of good conduct shall be one year; if the most serious crime of
17 which the individual was convicted is a ~~Class 1, 2, 3, or 4~~
18 felony, the minimum period of good conduct shall be 2 years.
19 Criminal acts committed outside the State shall be classified
20 as acts committed within the State based on the maximum
21 sentence that could have been imposed based upon the conviction
22 under the laws of the foreign jurisdiction. The minimum period
23 of good conduct by the individual shall be measured either from
24 the date of the payment of any fine imposed upon him or her, or
25 from the date of his or her release from custody by parole,
26 mandatory supervised release or commutation or termination of

1 his or her sentence. The Circuit Court shall have power and it
2 shall be its duty to investigate all persons when the
3 application is made and to grant or deny the same within a
4 reasonable time after the making of the application.

5 (d) If the Circuit Court has issued a certificate of good
6 conduct, the Court may at any time issue a new certificate
7 enlarging the relief previously granted.

8 (e) Any certificate of good conduct issued by the Court to
9 an individual who at the time of the issuance of the
10 certificate is under the conditions of parole or mandatory
11 supervised release imposed by the Prisoner Review Board shall
12 be deemed to be a temporary certificate until the time as the
13 individual is discharged from the terms of parole or mandatory
14 supervised release, and, while temporary, the certificate may
15 be revoked by the Court for violation of the conditions of
16 parole or mandatory supervised release. Revocation shall be
17 upon notice to the parolee or releasee, who shall be accorded
18 an opportunity to explain the violation prior to a decision on
19 the revocation. If the certificate is not so revoked, it shall
20 become a permanent certificate upon expiration or termination
21 of the offender's parole or mandatory supervised release term.

22 (f) The Court shall, upon notice to a certificate holder,
23 have the power to revoke a certificate of good conduct upon a
24 subsequent conviction.

25 (Source: P.A. 96-852, eff. 1-1-10; 97-1113, eff. 1-1-13.)