

1 AN ACT in relation to criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by  
5 changing Sections 3-6-3 and 5-4-1 as follows:

6 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)  
7 Sec. 3-6-3. Rules and Regulations for Early Release.

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

13 (2) The rules and regulations on early release  
14 shall provide, with respect to offenses committed on or  
15 after June 19, 1998, the following:

16 (i) that a prisoner who is serving a term of  
17 imprisonment for first degree murder shall receive  
18 no good conduct credit and shall serve the entire  
19 sentence imposed by the court;

20 (ii) that a prisoner serving a sentence for  
21 attempt to commit first degree murder, solicitation  
22 of murder, solicitation of murder for hire,  
23 intentional homicide of an unborn child, predatory  
24 criminal sexual assault of a child, aggravated  
25 criminal sexual assault, criminal sexual assault,  
26 aggravated kidnapping, aggravated battery with a  
27 firearm, heinous battery, aggravated battery of a  
28 senior citizen, or aggravated battery of a child  
29 shall receive no more than 4.5 days of good conduct  
30 credit for each month of his or her sentence of  
31 imprisonment; and

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

12           (2.1) For all offenses, other than those enumerated  
13 in subdivision (a)(2) committed on or after June 19,  
14 1998, and other than the offense of reckless homicide as  
15 defined in subsection (e) of Section 9-3 of the Criminal  
16 Code of 1961 committed on or after January 1, 1999, the  
17 rules and regulations shall provide that a prisoner who  
18 is serving a term of imprisonment shall receive one day  
19 of good conduct credit for each day of his or her  
20 sentence of imprisonment or recommitment under Section  
21 3-3-9. Each day of good conduct credit shall reduce by  
22 one day the prisoner's period of imprisonment or  
23 recommitment under Section 3-3-9.

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

27           (2.3) The rules and regulations on early release  
28 shall provide that a prisoner who is serving a sentence  
29 for reckless homicide as defined in subsection (e) of  
30 Section 9-3 of the Criminal Code of 1961 committed on or  
31 after January 1, 1999 shall receive no more than 4.5 days  
32 of good conduct credit for each month of his or her  
33 sentence of imprisonment.

34           (2.4) The rules and regulations on early release

1 shall provide with respect to the offenses of aggravated  
2 battery with a machine gun or a firearm equipped with any  
3 device or attachment designed or used for silencing the  
4 report of a firearm or aggravated discharge of a machine  
5 gun or a firearm equipped with any device or attachment  
6 designed or used for silencing the report of a firearm,  
7 committed on or after the effective date of this  
8 amendatory Act of 1999, that a prisoner serving a  
9 sentence for any of these offenses shall receive no more  
10 than 4.5 days of good conduct credit for each month of  
11 his or her sentence of imprisonment.

12 (2.5) The rules and regulations on early release  
13 shall provide that a prisoner who is serving a sentence  
14 for aggravated arson committed on or after the effective  
15 date of this amendatory Act of the 92nd General Assembly  
16 shall receive no more than 4.5 days of good conduct  
17 credit for each month of his or her sentence of  
18 imprisonment.

19 (2.6) The rules and regulations on early release  
20 shall provide that a prisoner who is serving a sentence  
21 for cannabis trafficking under Section 5.1 of the  
22 Cannabis Control Act or controlled substance trafficking  
23 under Section 401.1 of the Illinois Controlled Substances  
24 Act, if the offense was committed on or after the  
25 effective date of this amendatory Act of the 92nd General  
26 Assembly shall receive no more than 4.5 days of good  
27 conduct credit for each month of his or her sentence of  
28 imprisonment.

29 (3) The rules and regulations shall also provide  
30 that the Director may award up to 180 days additional  
31 good conduct credit for meritorious service in specific  
32 instances as the Director deems proper; except that no  
33 more than 90 days of good conduct credit for meritorious  
34 service shall be awarded to any prisoner who is serving a

1 sentence for conviction of first degree murder, reckless  
2 homicide while under the influence of alcohol or any  
3 other drug, aggravated kidnapping, kidnapping, predatory  
4 criminal sexual assault of a child, aggravated criminal  
5 sexual assault, criminal sexual assault, deviate sexual  
6 assault, aggravated criminal sexual abuse, aggravated  
7 indecent liberties with a child, indecent liberties with  
8 a child, child pornography, heinous battery, aggravated  
9 battery of a spouse, aggravated battery of a spouse with  
10 a firearm, stalking, aggravated stalking, aggravated  
11 battery of a child, endangering the life or health of a  
12 child, cruelty to a child, or narcotic racketeering.  
13 Notwithstanding the foregoing, good conduct credit for  
14 meritorious service shall not be awarded on a sentence of  
15 imprisonment imposed for conviction of: (i) one of the  
16 offenses enumerated in subdivision (a)(2) when the  
17 offense is committed on or after June 19, 1998, (ii)  
18 reckless homicide as defined in subsection (e) of Section  
19 9-3 of the Criminal Code of 1961 when the offense is  
20 committed on or after January 1, 1999, (iii) one of the  
21 offenses enumerated in subdivision (a)(2.4) when the  
22 offense is committed on or after the effective date of  
23 this amendatory Act of 1999, ~~or~~ (iv) aggravated arson  
24 when the offense is committed on or after the effective  
25 date of this amendatory Act of the 92nd General Assembly,  
26 or (v) one of the offenses enumerated in subdivision  
27 (a)(2.6) when the offense is committed on or after the  
28 effective date of this amendatory Act of the 92nd General  
29 Assembly.

30 (4) The rules and regulations shall also provide  
31 that the good conduct credit accumulated and retained  
32 under paragraph (2.1) of subsection (a) of this Section  
33 by any inmate during specific periods of time in which  
34 such inmate is engaged full-time in substance abuse

1 programs, correctional industry assignments, or  
2 educational programs provided by the Department under  
3 this paragraph (4) and satisfactorily completes the  
4 assigned program as determined by the standards of the  
5 Department, shall be multiplied by a factor of 1.25 for  
6 program participation before August 11, 1993 and 1.50 for  
7 program participation on or after that date. However, no  
8 inmate shall be eligible for the additional good conduct  
9 credit under this paragraph (4) while assigned to a boot  
10 camp, mental health unit, or electronic detention, or if  
11 convicted of an offense enumerated in paragraph (a)(2) of  
12 this Section that is committed on or after June 19, 1998,  
13 or if convicted of reckless homicide as defined in  
14 subsection (e) of Section 9-3 of the Criminal Code of  
15 1961 if the offense is committed on or after January 1,  
16 1999, or if convicted of an offense enumerated in  
17 paragraph (a)(2.4) of this Section that is committed on  
18 or after the effective date of this amendatory Act of  
19 1999, or if convicted of an offense enumerated in  
20 paragraph (a)(2.6) of this Section that is committed on  
21 or after the effective date of this amendatory Act of the  
22 92nd General Assembly, or first degree murder, a Class X  
23 felony, criminal sexual assault, felony criminal sexual  
24 abuse, aggravated criminal sexual abuse, aggravated  
25 battery with a firearm, or any predecessor or successor  
26 offenses with the same or substantially the same  
27 elements, or any inchoate offenses relating to the  
28 foregoing offenses. No inmate shall be eligible for the  
29 additional good conduct credit under this paragraph (4)  
30 who (i) has previously received increased good conduct  
31 credit under this paragraph (4) and has subsequently been  
32 convicted of a felony, or (ii) has previously served more  
33 than one prior sentence of imprisonment for a felony in  
34 an adult correctional facility.

1 Educational, vocational, substance abuse and  
2 correctional industry programs under which good conduct  
3 credit may be increased under this paragraph (4) shall be  
4 evaluated by the Department on the basis of documented  
5 standards. The Department shall report the results of  
6 these evaluations to the Governor and the General  
7 Assembly by September 30th of each year. The reports  
8 shall include data relating to the recidivism rate among  
9 program participants.

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

22 (5) Whenever the Department is to release any  
23 inmate earlier than it otherwise would because of a grant  
24 of good conduct credit for meritorious service given at  
25 any time during the term, the Department shall give  
26 reasonable advance notice of the impending release to the  
27 State's Attorney of the county where the prosecution of  
28 the inmate took place.

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

33 (c) The Department shall prescribe rules and regulations  
34 for revoking good conduct credit, or suspending or reducing

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

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

25 The Director of the Department of Corrections, in  
26 appropriate cases, may restore up to 30 days good conduct  
27 credits which have been revoked, suspended or reduced. Any  
28 restoration of good conduct credits in excess of 30 days  
29 shall be subject to review by the Prisoner Review Board.  
30 However, the Board may not restore good conduct credit in  
31 excess of the amount requested by the Director.

32 Nothing contained in this Section shall prohibit the  
33 Prisoner Review Board from ordering, pursuant to Section  
34 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of

1 the sentence imposed by the court that was not served due to  
2 the accumulation of good conduct credit.

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

17 For purposes of this subsection (d):

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

22 (A) it lacks an arguable basis either in law  
23 or in fact;

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

28 (C) the claims, defenses, and other legal  
29 contentions therein are not warranted by existing  
30 law or by a nonfrivolous argument for the extension,  
31 modification, or reversal of existing law or the  
32 establishment of new law;

33 (D) the allegations and other factual  
34 contentions do not have evidentiary support or, if



1 specifically so identified, are not likely to have  
2 evidentiary support after a reasonable opportunity  
3 for further investigation or discovery; or

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

8 (2) "Lawsuit" means a petition for post-conviction  
9 relief under Article 122 of the Code of Criminal  
10 Procedure of 1963, a motion pursuant to Section 116-3 of  
11 the Code of Criminal Procedure of 1963, a habeas corpus  
12 action under Article X of the Code of Civil Procedure or  
13 under federal law (28 U.S.C. 2254), a petition for claim  
14 under the Court of Claims Act or an action under the  
15 federal Civil Rights Act (42 U.S.C. 1983).

16 (e) Nothing in this amendatory Act of 1998 affects the  
17 validity of Public Act 89-404.

18 (Source: P.A. 91-121, eff. 7-15-99; 91-357, eff. 7-29-99;  
19 92-176, eff. 7-27-01.)

20 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

21 Sec. 5-4-1. Sentencing Hearing.

22 (a) Except when the death penalty is sought under  
23 hearing procedures otherwise specified, after a determination  
24 of guilt, a hearing shall be held to impose the sentence.  
25 However, prior to the imposition of sentence on an individual  
26 being sentenced for an offense based upon a charge for a  
27 violation of Section 11-501 of the Illinois Vehicle Code or a  
28 similar provision of a local ordinance, the individual must  
29 undergo a professional evaluation to determine if an alcohol  
30 or other drug abuse problem exists and the extent of such a  
31 problem. Programs conducting these evaluations shall be  
32 licensed by the Department of Human Services. However, if  
33 the individual is not a resident of Illinois, the court may,

1 in its discretion, accept an evaluation from a program in the  
2 state of such individual's residence. The court may in its  
3 sentencing order approve an eligible defendant for placement  
4 in a Department of Corrections impact incarceration program  
5 as provided in Section 5-8-1.1. At the hearing the court  
6 shall:

7 (1) consider the evidence, if any, received upon  
8 the trial;

9 (2) consider any presentence reports;

10 (3) consider the financial impact of incarceration  
11 based on the financial impact statement filed with the  
12 clerk of the court by the Department of Corrections;

13 (4) consider evidence and information offered by  
14 the parties in aggravation and mitigation;

15 (5) hear arguments as to sentencing alternatives;

16 (6) afford the defendant the opportunity to make a  
17 statement in his own behalf;

18 (7) afford the victim of a violent crime or a  
19 violation of Section 11-501 of the Illinois Vehicle Code,  
20 or a similar provision of a local ordinance, or a  
21 qualified individual affected by a violation of Section  
22 405, 405.1, 405.2, or 407 of the Illinois Controlled  
23 Substances Act, committed by the defendant the  
24 opportunity to make a statement concerning the impact on  
25 the victim and to offer evidence in aggravation or  
26 mitigation; provided that the statement and evidence  
27 offered in aggravation or mitigation must first be  
28 prepared in writing in conjunction with the State's  
29 Attorney before it may be presented orally at the  
30 hearing. Any sworn testimony offered by the victim is  
31 subject to the defendant's right to cross-examine. All  
32 statements and evidence offered under this paragraph (7)  
33 shall become part of the record of the court. For the  
34 purpose of this paragraph (7), "qualified individual"

1 means any person who (i) lived or worked within the  
2 territorial jurisdiction where the offense took place  
3 when the offense took place; and (ii) is familiar with  
4 various public places within the territorial jurisdiction  
5 where the offense took place when the offense took place.  
6 For the purposes of this paragraph (7), "qualified  
7 individual" includes any peace officer, or any member of  
8 any duly organized State, county, or municipal peace unit  
9 assigned to the territorial jurisdiction where the  
10 offense took place when the offense took place; and

11 (8) in cases of reckless homicide afford the  
12 victim's spouse, guardians, parents or other immediate  
13 family members an opportunity to make oral statements.

14 (b) All sentences shall be imposed by the judge based  
15 upon his independent assessment of the elements specified  
16 above and any agreement as to sentence reached by the  
17 parties. The judge who presided at the trial or the judge  
18 who accepted the plea of guilty shall impose the sentence  
19 unless he is no longer sitting as a judge in that court.  
20 Where the judge does not impose sentence at the same time on  
21 all defendants who are convicted as a result of being  
22 involved in the same offense, the defendant or the State's  
23 Attorney may advise the sentencing court of the disposition  
24 of any other defendants who have been sentenced.

25 (c) In imposing a sentence for a violent crime or for an  
26 offense of operating or being in physical control of a  
27 vehicle while under the influence of alcohol, any other drug  
28 or any combination thereof, or a similar provision of a local  
29 ordinance, when such offense resulted in the personal injury  
30 to someone other than the defendant, the trial judge shall  
31 specify on the record the particular evidence, information,  
32 factors in mitigation and aggravation or other reasons that  
33 led to his sentencing determination. The full verbatim record  
34 of the sentencing hearing shall be filed with the clerk of

1 the court and shall be a public record.

2 (c-1) In imposing a sentence for the offense of  
3 aggravated kidnapping for ransom, home invasion, armed  
4 robbery, aggravated vehicular hijacking, aggravated discharge  
5 of a firearm, or armed violence with a category I weapon or  
6 category II weapon, the trial judge shall make a finding as  
7 to whether the conduct leading to conviction for the offense  
8 resulted in great bodily harm to a victim, and shall enter  
9 that finding and the basis for that finding in the record.

10 (c-2) If the defendant is sentenced to prison, other  
11 than when a sentence of natural life imprisonment or a  
12 sentence of death is imposed, at the time the sentence is  
13 imposed the judge shall state on the record in open court the  
14 approximate period of time the defendant will serve in  
15 custody according to the then current statutory rules and  
16 regulations for early release found in Section 3-6-3 and  
17 other related provisions of this Code. This statement is  
18 intended solely to inform the public, has no legal effect on  
19 the defendant's actual release, and may not be relied on by  
20 the defendant on appeal.

21 The judge's statement, to be given after pronouncing the  
22 sentence, other than when the sentence is imposed for one of  
23 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
24 shall include the following:

25 "The purpose of this statement is to inform the public of  
26 the actual period of time this defendant is likely to spend  
27 in prison as a result of this sentence. The actual period of  
28 prison time served is determined by the statutes of Illinois  
29 as applied to this sentence by the Illinois Department of  
30 Corrections and the Illinois Prisoner Review Board. In this  
31 case, assuming the defendant receives all of his or her good  
32 conduct credit, the period of estimated actual custody is ...  
33 years and ... months, less up to 180 days additional good  
34 conduct credit for meritorious service. If the defendant,

1 because of his or her own misconduct or failure to comply  
2 with the institutional regulations, does not receive those  
3 credits, the actual time served in prison will be longer.  
4 The defendant may also receive an additional one-half day  
5 good conduct credit for each day of participation in  
6 vocational, industry, substance abuse, and educational  
7 programs as provided for by Illinois statute."

8 When the sentence is imposed for one of the offenses  
9 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
10 when the sentence is imposed for one of the offenses  
11 enumerated in paragraph (a)(2) of Section 3-6-3 committed on  
12 or after June 19, 1998, and other than when the sentence is  
13 imposed for reckless homicide as defined in subsection (e) of  
14 Section 9-3 of the Criminal Code of 1961 if the offense was  
15 committed on or after January 1, 1999, and other than when  
16 the sentence is imposed for aggravated arson if the offense  
17 was committed on or after the effective date of this  
18 amendatory Act of the 92nd General Assembly, and other than  
19 when the sentence is imposed for one of the offenses  
20 enumerated in paragraph (a)(2.6) of Section 3-6-3 committed  
21 on or after the effective date of this amendatory Act of the  
22 92nd General Assembly, the judge's statement, to be given  
23 after pronouncing the sentence, shall include the following:

24 "The purpose of this statement is to inform the public of  
25 the actual period of time this defendant is likely to spend  
26 in prison as a result of this sentence. The actual period of  
27 prison time served is determined by the statutes of Illinois  
28 as applied to this sentence by the Illinois Department of  
29 Corrections and the Illinois Prisoner Review Board. In this  
30 case, assuming the defendant receives all of his or her good  
31 conduct credit, the period of estimated actual custody is ...  
32 years and ... months, less up to 90 days additional good  
33 conduct credit for meritorious service. If the defendant,  
34 because of his or her own misconduct or failure to comply

1 with the institutional regulations, does not receive those  
2 credits, the actual time served in prison will be longer.  
3 The defendant may also receive an additional one-half day  
4 good conduct credit for each day of participation in  
5 vocational, industry, substance abuse, and educational  
6 programs as provided for by Illinois statute."

7 When the sentence is imposed for one of the offenses  
8 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
9 first degree murder, and the offense was committed on or  
10 after June 19, 1998, and when the sentence is imposed for  
11 reckless homicide as defined in subsection (e) of Section 9-3  
12 of the Criminal Code of 1961 if the offense was committed on  
13 or after January 1, 1999, and when the sentence is imposed  
14 for aggravated arson if the offense was committed on or after  
15 the effective date of this amendatory Act of the 92nd General  
16 Assembly, and when the sentence is imposed for one of the  
17 offenses enumerated in paragraph (a)(2.6) of Section 3-6-3 of  
18 this Code committed on or after the effective date of this  
19 amendatory Act of the 92nd General Assembly, the judge's  
20 statement, to be given after pronouncing the sentence, shall  
21 include the following:

22 "The purpose of this statement is to inform the public of  
23 the actual period of time this defendant is likely to spend  
24 in prison as a result of this sentence. The actual period of  
25 prison time served is determined by the statutes of Illinois  
26 as applied to this sentence by the Illinois Department of  
27 Corrections and the Illinois Prisoner Review Board. In this  
28 case, the defendant is entitled to no more than 4 1/2 days of  
29 good conduct credit for each month of his or her sentence of  
30 imprisonment. Therefore, this defendant will serve at least  
31 85% of his or her sentence. Assuming the defendant receives  
32 4 1/2 days credit for each month of his or her sentence, the  
33 period of estimated actual custody is ... years and ...  
34 months. If the defendant, because of his or her own

1 misconduct or failure to comply with the institutional  
2 regulations receives lesser credit, the actual time served in  
3 prison will be longer."

4 When a sentence of imprisonment is imposed for first  
5 degree murder and the offense was committed on or after June  
6 19, 1998, the judge's statement, to be given after  
7 pronouncing the sentence, shall include the following:

8 "The purpose of this statement is to inform the public of  
9 the actual period of time this defendant is likely to spend  
10 in prison as a result of this sentence. The actual period of  
11 prison time served is determined by the statutes of Illinois  
12 as applied to this sentence by the Illinois Department of  
13 Corrections and the Illinois Prisoner Review Board. In this  
14 case, the defendant is not entitled to good conduct credit.  
15 Therefore, this defendant will serve 100% of his or her  
16 sentence."

17 (d) When the defendant is committed to the Department of  
18 Corrections, the State's Attorney shall and counsel for the  
19 defendant may file a statement with the clerk of the court to  
20 be transmitted to the department, agency or institution to  
21 which the defendant is committed to furnish such department,  
22 agency or institution with the facts and circumstances of the  
23 offense for which the person was committed together with all  
24 other factual information accessible to them in regard to the  
25 person prior to his commitment relative to his habits,  
26 associates, disposition and reputation and any other facts  
27 and circumstances which may aid such department, agency or  
28 institution during its custody of such person. The clerk  
29 shall within 10 days after receiving any such statements  
30 transmit a copy to such department, agency or institution and  
31 a copy to the other party, provided, however, that this shall  
32 not be cause for delay in conveying the person to the  
33 department, agency or institution to which he has been  
34 committed.

1 (e) The clerk of the court shall transmit to the  
2 department, agency or institution, if any, to which the  
3 defendant is committed, the following:

4 (1) the sentence imposed;

5 (2) any statement by the court of the basis for  
6 imposing the sentence;

7 (3) any presentence reports;

8 (4) the number of days, if any, which the defendant  
9 has been in custody and for which he is entitled to  
10 credit against the sentence, which information shall be  
11 provided to the clerk by the sheriff;

12 (4.1) any finding of great bodily harm made by the  
13 court with respect to an offense enumerated in subsection  
14 (c-1);

15 (5) all statements filed under subsection (d) of  
16 this Section;

17 (6) any medical or mental health records or  
18 summaries of the defendant;

19 (7) the municipality where the arrest of the  
20 offender or the commission of the offense has occurred,  
21 where such municipality has a population of more than  
22 25,000 persons;

23 (8) all statements made and evidence offered under  
24 paragraph (7) of subsection (a) of this Section; and

25 (9) all additional matters which the court directs  
26 the clerk to transmit.

27 (Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01;  
28 92-176, eff. 7-27-01.)