



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB0527

Introduced 01/27/05, by Rep. Calvin L. Giles

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Eliminates the provision that prohibits an inmate who is assigned to a mental health unit from receiving an additional good conduct credit for being engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department of Corrections. Effective immediately.

LRB094 03676 RLC 33681 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 Section 3-6-3 as follows:

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

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

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

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

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

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

30 (iii) that a prisoner serving a sentence for home
31 invasion, armed robbery, aggravated vehicular
32 hijacking, aggravated discharge of a firearm, or armed

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

9 (2.1) For all offenses, other than those enumerated in
10 subdivision (a)(2) committed on or after June 19, 1998, and
11 other than the offense of reckless homicide as defined in
12 subsection (e) of Section 9-3 of the Criminal Code of 1961
13 committed on or after January 1, 1999, or aggravated
14 driving under the influence of alcohol, other drug or
15 drugs, or intoxicating compound or compounds, or any
16 combination thereof as defined in subparagraph (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code, the rules and regulations shall
19 provide that a prisoner who is serving a term of
20 imprisonment shall receive one day of good conduct credit
21 for each day of his or her sentence of imprisonment or
22 recommitment under Section 3-3-9. Each day of good conduct
23 credit shall reduce by one day the prisoner's period of
24 imprisonment or recommitment under Section 3-3-9.

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

28 (2.3) The rules and regulations on early release shall
29 provide that a prisoner who is serving a sentence for
30 reckless homicide as defined in subsection (e) of Section
31 9-3 of the Criminal Code of 1961 committed on or after
32 January 1, 1999, or aggravated driving under the influence
33 of alcohol, other drug or drugs, or intoxicating compound
34 or compounds, or any combination thereof as defined in
35 subparagraph (F) of paragraph (1) of subsection (d) of
36 Section 11-501 of the Illinois Vehicle Code, shall receive

1 no more than 4.5 days of good conduct credit for each month
2 of his or her sentence of imprisonment.

3 (2.4) The rules and regulations on early release shall
4 provide with respect to the offenses of aggravated battery
5 with a machine gun or a firearm equipped with any device or
6 attachment designed or used for silencing the report of a
7 firearm or aggravated discharge of a machine gun or a
8 firearm equipped with any device or attachment designed or
9 used for silencing the report of a firearm, committed on or
10 after July 15, 1999 (the effective date of Public Act
11 91-121) ~~this amendatory Act of 1999~~, that a prisoner
12 serving a sentence for any of these offenses shall receive
13 no more than 4.5 days of good conduct credit for each month
14 of his or her sentence of imprisonment.

15 (2.5) The rules and regulations on early release shall
16 provide that a prisoner who is serving a sentence for
17 aggravated arson committed on or after July 27, 2001 (the
18 effective date of Public Act 92-176) ~~this amendatory Act of~~
19 ~~the 92nd 93rd General Assembly~~ shall receive no more than
20 4.5 days of good conduct credit for each month of his or
21 her sentence of imprisonment.

22 (3) The rules and regulations shall also provide that
23 the Director may award up to 180 days additional good
24 conduct credit for meritorious service in specific
25 instances as the Director deems proper; except that no more
26 than 90 days of good conduct credit for meritorious service
27 shall be awarded to any prisoner who is serving a sentence
28 for conviction of first degree murder, reckless homicide
29 while under the influence of alcohol or any other drug, or
30 aggravated driving under the influence of alcohol, other
31 drug or drugs, or intoxicating compound or compounds, or
32 any combination thereof as defined in subparagraph (F) of
33 paragraph (1) of subsection (d) of Section 11-501 of the
34 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
35 predatory criminal sexual assault of a child, aggravated
36 criminal sexual assault, criminal sexual assault, deviate

1 sexual assault, aggravated criminal sexual abuse,
2 aggravated indecent liberties with a child, indecent
3 liberties with a child, child pornography, heinous
4 battery, aggravated battery of a spouse, aggravated
5 battery of a spouse with a firearm, stalking, aggravated
6 stalking, aggravated battery of a child, endangering the
7 life or health of a child, cruelty to a child, or narcotic
8 racketeering. Notwithstanding the foregoing, good conduct
9 credit for meritorious service shall not be awarded on a
10 sentence of imprisonment imposed for conviction of: (i) one
11 of the offenses enumerated in subdivision (a)(2) when the
12 offense is committed on or after June 19, 1998, (ii)
13 reckless homicide as defined in subsection (e) of Section
14 9-3 of the Criminal Code of 1961 when the offense is
15 committed on or after January 1, 1999, or aggravated
16 driving under the influence of alcohol, other drug or
17 drugs, or intoxicating compound or compounds, or any
18 combination thereof as defined in subparagraph (F) of
19 paragraph (1) of subsection (d) of Section 11-501 of the
20 Illinois Vehicle Code, (iii) one of the offenses enumerated
21 in subdivision (a)(2.4) when the offense is committed on or
22 after July 15, 1999 (the effective date of Public Act
23 91-121) ~~this amendatory Act of 1999~~, or (iv) aggravated
24 arson when the offense is committed on or after July 27,
25 2001 (the effective date of Public Act 92-176) ~~this~~
26 ~~amendatory Act of the 92nd 93rd General Assembly.~~

27 (4) The rules and regulations shall also provide that
28 the good conduct credit accumulated and retained under
29 paragraph (2.1) of subsection (a) of this Section by any
30 inmate during specific periods of time in which such inmate
31 is engaged full-time in substance abuse programs,
32 correctional industry assignments, or educational programs
33 provided by the Department under this paragraph (4) and
34 satisfactorily completes the assigned program as
35 determined by the standards of the Department, shall be
36 multiplied by a factor of 1.25 for program participation

1 before August 11, 1993 and 1.50 for program participation
2 on or after that date. However, no inmate shall be eligible
3 for the additional good conduct credit under this paragraph
4 (4) while assigned to a boot camp, ~~mental health unit,~~ or
5 electronic detention, or if convicted of an offense
6 enumerated in paragraph (a)(2) of this Section that is
7 committed on or after June 19, 1998, or if convicted of
8 reckless homicide as defined in subsection (e) of Section
9 9-3 of the Criminal Code of 1961 if the offense is
10 committed on or after January 1, 1999, or aggravated
11 driving under the influence of alcohol, other drug or
12 drugs, or intoxicating compound or compounds, or any
13 combination thereof as defined in subparagraph (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, or if convicted of an offense
16 enumerated in paragraph (a)(2.4) of this Section that is
17 committed on or after July 15, 1999 (the effective date of
18 Public Act 91-121) ~~this amendatory Act of 1999,~~ or first
19 degree murder, a Class X felony, criminal sexual assault,
20 felony criminal sexual abuse, aggravated criminal sexual
21 abuse, aggravated battery with a firearm, or any
22 predecessor or successor offenses with the same or
23 substantially the same elements, or any inchoate offenses
24 relating to the foregoing offenses. No inmate shall be
25 eligible for the additional good conduct credit under this
26 paragraph (4) who (i) has previously received increased
27 good conduct credit under this paragraph (4) and has
28 subsequently been convicted of a felony, or (ii) has
29 previously served more than one prior sentence of
30 imprisonment for a felony in an adult correctional
31 facility.

32 Educational, vocational, substance abuse and
33 correctional industry programs under which good conduct
34 credit may be increased under this paragraph (4) shall be
35 evaluated by the Department on the basis of documented
36 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 (4.5) The rules and regulations on early release shall
18 also provide that a prisoner who is serving a sentence for
19 a crime committed as a result of the use of, abuse of, or
20 addiction to alcohol or a controlled substance and the
21 crime was committed on or after September 1, 2003 (the
22 effective date of Public Act 93-354) ~~this Amendatory Act of~~
23 ~~the 93rd General Assembly~~ shall receive no good conduct
24 credit until he or she participates in and completes a
25 substance abuse treatment program. Good conduct credit
26 awarded under clauses (2), (3), and (4) of this subsection
27 (a) for crimes committed on or after September 1, 2003 ~~the~~
28 ~~effective date of this amendatory Act of the 93rd General~~
29 ~~Assembly~~ is subject to the provisions of this clause (4.5).
30 If the prisoner completes a substance abuse treatment
31 program, the Department may award good conduct credit for
32 the time spent in treatment. Availability of substance
33 abuse treatment shall be subject to the limits of fiscal
34 resources appropriated by the General Assembly for these
35 purposes. If treatment is not available, the prisoner shall
36 be placed on a waiting list under criteria established by

1 the Department. The Department may require a prisoner
2 placed on a waiting list to attend a substance abuse
3 education class or attend substance abuse self-help
4 meetings. A prisoner may not lose good conduct credit as a
5 result of being placed on a waiting list. A prisoner placed
6 on a waiting list remains eligible for increased good
7 conduct credit for participation in an educational,
8 vocational, or correctional industry program under clause
9 (4) of subsection (a) of this Section.

10 (5) Whenever the Department is to release any inmate
11 earlier than it otherwise would because of a grant of good
12 conduct credit for meritorious service given at any time
13 during the term, the Department shall give reasonable
14 advance notice of the impending release to the State's
15 Attorney of the county where the prosecution of the inmate
16 took place.

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

21 (c) The Department shall prescribe rules and regulations
22 for revoking good conduct credit, or suspending or reducing the
23 rate of accumulation of good conduct credit for specific rule
24 violations, during imprisonment. These rules and regulations
25 shall provide that no inmate may be penalized more than one
26 year of good conduct credit for any one infraction.

27 When the Department seeks to revoke, suspend or reduce the
28 rate of accumulation of any good conduct credits for an alleged
29 infraction of its rules, it shall bring charges therefor
30 against the prisoner sought to be so deprived of good conduct
31 credits before the Prisoner Review Board as provided in
32 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
33 amount of credit at issue exceeds 30 days or when during any 12
34 month period, the cumulative amount of credit revoked exceeds
35 30 days except where the infraction is committed or discovered
36 within 60 days of scheduled release. In those cases, the

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

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

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

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

36 For purposes of this subsection (d):

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

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

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

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

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

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

24 (2) "Lawsuit" means a petition for post-conviction
25 relief under Article 122 of the Code of Criminal Procedure
26 of 1963, a motion pursuant to Section 116-3 of the Code of
27 Criminal Procedure of 1963, a habeas corpus action under
28 Article X of the Code of Civil Procedure or under federal
29 law (28 U.S.C. 2254), a petition for claim under the Court
30 of Claims Act or an action under the federal Civil Rights
31 Act (42 U.S.C. 1983).

32 (e) Nothing in Public Act 90-592 or 90-593 ~~this amendatory~~
33 ~~Act of 1998~~ affects the validity of Public Act 89-404.

34 (Source: P.A. 92-176, eff. 7-27-01; 92-854, eff. 12-5-02;
35 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; revised 10-15-03.)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.