



Rep. Constance A. Howard

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LRB094 06192 RLC 41532 a

1 AMENDMENT TO HOUSE BILL 611

2 AMENDMENT NO. _____. Amend House Bill 611 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-6-3 and by adding Section 3-6-8 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,

1 aggravated battery with a firearm, heinous battery,
2 aggravated battery of a senior citizen, or aggravated
3 battery of a child shall receive no more than 4.5 days
4 of good conduct credit for each month of his or her
5 sentence of imprisonment; and

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

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

33 (2.2) A prisoner serving a term of natural life
34 imprisonment or a prisoner who has been sentenced to death

1 shall receive no good conduct credit.

2 (2.3) The rules and regulations on early release shall
3 provide that a prisoner who is serving a sentence for
4 reckless homicide as defined in subsection (e) of Section
5 9-3 of the Criminal Code of 1961 committed on or after
6 January 1, 1999, or aggravated driving under the influence
7 of alcohol, other drug or drugs, or intoxicating compound
8 or compounds, or any combination thereof as defined in
9 subparagraph (F) of paragraph (1) of subsection (d) of
10 Section 11-501 of the Illinois Vehicle Code, shall receive
11 no more than 4.5 days of good conduct credit for each month
12 of his or her sentence of imprisonment.

13 (2.4) The rules and regulations on early release shall
14 provide with respect to the offenses of aggravated battery
15 with a machine gun or a firearm equipped with any device or
16 attachment designed or used for silencing the report of a
17 firearm or aggravated discharge of a machine gun or a
18 firearm equipped with any device or attachment designed or
19 used for silencing the report of a firearm, committed on or
20 after July 15, 1999 (the effective date of Public Act
21 91-121) ~~this amendatory Act of 1999~~, that a prisoner
22 serving a sentence for any of these offenses shall receive
23 no more than 4.5 days of good conduct credit for each month
24 of his or her sentence of imprisonment.

25 (2.5) The rules and regulations on early release shall
26 provide that a prisoner who is serving a sentence for
27 aggravated arson committed on or after July 27, 2001 (the
28 effective date of Public Act 92-176) ~~this amendatory Act of~~
29 ~~the 92nd 93rd General Assembly~~ shall receive no more than
30 4.5 days of good conduct credit for each month of his or
31 her sentence of imprisonment.

32 (3) The rules and regulations shall also provide that
33 the Director may award up to 180 days additional good
34 conduct credit for meritorious service in specific

1 instances as the Director deems proper; except that no more
2 than 90 days of good conduct credit for meritorious service
3 shall be awarded to any prisoner who is serving a sentence
4 for conviction of first degree murder, reckless homicide
5 while under the influence of alcohol or any other drug, or
6 aggravated driving under the influence of alcohol, other
7 drug or drugs, or intoxicating compound or compounds, or
8 any combination thereof as defined in subparagraph (F) of
9 paragraph (1) of subsection (d) of Section 11-501 of the
10 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
11 predatory criminal sexual assault of a child, aggravated
12 criminal sexual assault, criminal sexual assault, deviate
13 sexual assault, aggravated criminal sexual abuse,
14 aggravated indecent liberties with a child, indecent
15 liberties with a child, child pornography, heinous
16 battery, aggravated battery of a spouse, aggravated
17 battery of a spouse with a firearm, stalking, aggravated
18 stalking, aggravated battery of a child, endangering the
19 life or health of a child, cruelty to a child, or narcotic
20 racketeering. Notwithstanding the foregoing, good conduct
21 credit for meritorious service shall not be awarded on a
22 sentence of imprisonment imposed for conviction of: (i) one
23 of the offenses enumerated in subdivision (a)(2) when the
24 offense is committed on or after June 19, 1998, (ii)
25 reckless homicide as defined in subsection (e) of Section
26 9-3 of the Criminal Code of 1961 when the offense is
27 committed on or after January 1, 1999, or aggravated
28 driving under the influence of alcohol, other drug or
29 drugs, or intoxicating compound or compounds, or any
30 combination thereof as defined in subparagraph (F) of
31 paragraph (1) of subsection (d) of Section 11-501 of the
32 Illinois Vehicle Code, (iii) one of the offenses enumerated
33 in subdivision (a)(2.4) when the offense is committed on or
34 after July 15, 1999 (the effective date of Public Act

1 91-121) ~~this amendatory Act of 1999~~, or (iv) aggravated
2 arson when the offense is committed on or after July 27,
3 2001 (the effective date of Public Act 92-176) ~~this~~
4 ~~amendatory Act of the 92nd 93rd General Assembly.~~

5 (4) The rules and regulations shall also provide that
6 the good conduct credit accumulated and retained under
7 paragraph (2.1) of subsection (a) of this Section by any
8 inmate during specific periods of time in which such inmate
9 is engaged full-time in substance abuse programs,
10 correctional industry assignments, or educational programs
11 provided by the Department under this paragraph (4) and
12 satisfactorily completes the assigned program as
13 determined by the standards of the Department, shall be
14 multiplied by a factor of 1.25 for program participation
15 before August 11, 1993 and 1.50 for program participation
16 on or after that date. However, no inmate shall be eligible
17 for the additional good conduct credit under this paragraph
18 (4) or (4.1) of this subsection (a) while assigned to a
19 boot camp, mental health unit, or electronic detention, or
20 if convicted of an offense enumerated in paragraph (a)(2)
21 of this Section that is committed on or after June 19,
22 1998, or if convicted of reckless homicide as defined in
23 subsection (e) of Section 9-3 of the Criminal Code of 1961
24 if the offense is committed on or after January 1, 1999, or
25 aggravated driving under the influence of alcohol, other
26 drug or drugs, or intoxicating compound or compounds, or
27 any combination thereof as defined in subparagraph (F) of
28 paragraph (1) of subsection (d) of Section 11-501 of the
29 Illinois Vehicle Code, or if convicted of an offense
30 enumerated in paragraph (a)(2.4) of this Section that is
31 committed on or after July 15, 1999 (the effective date of
32 Public Act 91-121) ~~this amendatory Act of 1999~~, or first
33 degree murder, a Class X felony, criminal sexual assault,
34 felony criminal sexual abuse, aggravated criminal sexual

1 abuse, aggravated battery with a firearm, or any
2 predecessor or successor offenses with the same or
3 substantially the same elements, or any inchoate offenses
4 relating to the foregoing offenses. No inmate shall be
5 eligible for the additional good conduct credit under this
6 paragraph (4) who (i) has previously received increased
7 good conduct credit under this paragraph (4) and has
8 subsequently been convicted of a felony, or (ii) has
9 previously served more than one prior sentence of
10 imprisonment for a felony in an adult correctional
11 facility.

12 Educational, vocational, substance abuse and
13 correctional industry programs under which good conduct
14 credit may be increased under this paragraph (4) and
15 paragraph (4.1) of this subsection (a) shall be evaluated
16 by the Department on the basis of documented standards. The
17 Department shall report the results of these evaluations to
18 the Governor and the General Assembly by September 30th of
19 each year. The reports shall include data relating to the
20 recidivism rate among program participants.

21 Availability of these programs shall be subject to the
22 limits of fiscal resources appropriated by the General
23 Assembly for these purposes. Eligible inmates who are
24 denied immediate admission shall be placed on a waiting
25 list under criteria established by the Department. The
26 inability of any inmate to become engaged in any such
27 programs by reason of insufficient program resources or for
28 any other reason established under the rules and
29 regulations of the Department shall not be deemed a cause
30 of action under which the Department or any employee or
31 agent of the Department shall be liable for damages to the
32 inmate.

33 (4.1) The rules and regulations shall also provide that
34 an additional 60 days of good conduct credit shall be

1 awarded to any prisoner who passes the high school level
2 Test of General Educational Development (GED) and receives
3 a GED certificate while the prisoner is incarcerated. The
4 good conduct credit awarded under this paragraph (4.1)
5 shall be in addition to, and shall not affect, the award of
6 good conduct under any other paragraph of this Section, but
7 shall also be pursuant to the guidelines and restrictions
8 set forth in paragraph (4) of subsection (a) of this
9 Section.

10 (4.5) The rules and regulations on early release shall
11 also provide that a prisoner who is serving a sentence for
12 a crime committed as a result of the use of, abuse of, or
13 addiction to alcohol or a controlled substance and the
14 crime was committed on or after September 1, 2003 (the
15 effective date of Public Act 93-354) ~~this Amendatory Act of~~
16 ~~the 93rd General Assembly~~ shall receive no good conduct
17 credit until he or she participates in and completes a
18 substance abuse treatment program. Good conduct credit
19 awarded under clauses (2), (3), and (4) of this subsection
20 (a) for crimes committed on or after September 1, 2003 ~~the~~
21 ~~effective date of this amendatory Act of the 93rd General~~
22 ~~Assembly~~ is subject to the provisions of this clause (4.5).
23 If the prisoner completes a substance abuse treatment
24 program, the Department may award good conduct credit for
25 the time spent in treatment. Availability of substance
26 abuse treatment shall be subject to the limits of fiscal
27 resources appropriated by the General Assembly for these
28 purposes. If treatment is not available, the prisoner shall
29 be placed on a waiting list under criteria established by
30 the Department. The Department may require a prisoner
31 placed on a waiting list to attend a substance abuse
32 education class or attend substance abuse self-help
33 meetings. A prisoner may not lose good conduct credit as a
34 result of being placed on a waiting list. A prisoner placed

1 on a waiting list remains eligible for increased good
2 conduct credit for participation in an educational,
3 vocational, or correctional industry program under clause
4 (4) of subsection (a) of this Section.

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

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

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

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

1 seeks to revoke good conduct credit in excess of 30 days.
2 However, the Board shall not be empowered to review the
3 Department's decision with respect to the loss of 30 days of
4 good conduct credit within any calendar year for any prisoner
5 or to increase any penalty beyond the length requested by the
6 Department.

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

14 Nothing contained in this Section shall prohibit the
15 Prisoner Review Board from ordering, pursuant to Section
16 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
17 sentence imposed by the court that was not served due to the
18 accumulation of good conduct credit.

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

33 For purposes of this subsection (d):

34 (1) "Frivolous" means that a pleading, motion, or other

1 filing which purports to be a legal document filed by a
2 prisoner in his or her lawsuit meets any or all of the
3 following criteria:

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

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

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

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

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

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

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

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

1 (730 ILCS 5/3-6-8 new)

2 Sec. 3-6-8. General Educational Development (GED)
3 programs. The Department of Corrections shall develop and
4 establish a program in the Adult Division designed to increase
5 the number of committed persons enrolled in programs for the
6 high school level Test of General Educational Development (GED)
7 and pursuing GED certificates by at least 100% over the 4-year
8 period following the effective date of this amendatory Act of
9 the 94th General Assembly. Pursuant to the program, each adult
10 institution and facility shall report annually to the Director
11 of Corrections on the number of committed persons enrolled in
12 GED programs and those who pass the high school level Test of
13 General Educational Development (GED) and receive GED
14 certificates, and the number of committed persons in the Adult
15 Division who are on waiting lists for participation in the GED
16 programs.

17 Section 99. Effective date. This Act takes effect upon
18 becoming law."