

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 listed in clause (i),
14 (ii), or (iii) of this paragraph (2) committed on or after
15 June 19, 1998 or with respect to the offense listed in
16 clause (iv) of this paragraph (2) committed on or after
17 June 23, 2005 (the effective date of Public Act 94-71) ~~this~~
18 ~~amendatory Act of the 94th General Assembly~~ or with respect
19 to the offense of being an armed habitual criminal
20 committed on or after August 2, 2005 (the effective date of
21 Public Act 94-398) or with respect to the offense of
22 aggravated battery under subsection (a) of Section 12-4 of
23 the Criminal Code of 1961 when the prisoner knew the
24 individual harmed to be a peace officer engaged in the
25 execution of any of his or her official duties, or the
26 battery is to prevent the officer from performing his or
27 her official duties, or in retaliation for the officer
28 performing his or her official duties and the offense was
29 committed on or after the effective date of this amendatory
30 Act of the 94th General Assembly ~~this amendatory Act of the~~
31 ~~94th General Assembly~~, the following:

32 (i) that a prisoner who is serving a term of

1 imprisonment for first degree murder or for the offense
2 of terrorism shall receive no good conduct credit and
3 shall serve the entire sentence imposed by the court;

4 (ii) that a prisoner serving a sentence for attempt
5 to commit first degree murder, solicitation of murder,
6 solicitation of murder for hire, intentional homicide
7 of an unborn child, predatory criminal sexual assault
8 of a child, aggravated criminal sexual assault,
9 criminal sexual assault, aggravated kidnapping,
10 aggravated battery with a firearm, heinous battery,
11 being an armed habitual criminal, aggravated battery
12 of a senior citizen, or aggravated battery of a child
13 shall receive no more than 4.5 days of good conduct
14 credit for each month of his or her sentence of
15 imprisonment;

16 (iii) that a prisoner serving a sentence for home
17 invasion, armed robbery, aggravated vehicular
18 hijacking, aggravated discharge of a firearm, or armed
19 violence with a category I weapon or category II
20 weapon, when the court has made and entered a finding,
21 pursuant to subsection (c-1) of Section 5-4-1 of this
22 Code, that the conduct leading to conviction for the
23 enumerated offense resulted in great bodily harm to a
24 victim, shall receive no more than 4.5 days of good
25 conduct credit for each month of his or her sentence of
26 imprisonment; ~~and~~

27 (iv) that a prisoner serving a sentence for
28 aggravated discharge of a firearm, whether or not the
29 conduct leading to conviction for the offense resulted
30 in great bodily harm to the victim, shall receive no
31 more than 4.5 days of good conduct credit for each
32 month of his or her sentence of imprisonment; and

33 (v) that a prisoner serving a sentence for
34 aggravated battery under subsection (a) of Section
35 12-4 of the Criminal Code of 1961 when the prisoner
36 knew the individual harmed to be a peace officer

1 engaged in the execution of any of his or her official
2 duties, or the battery is to prevent the officer from
3 performing his or her official duties, or in
4 retaliation for the officer performing his or her
5 official duties and the offense was committed on or
6 after the effective date of this amendatory Act of the
7 94th General Assembly, shall receive no more than 4.5
8 days of good conduct credit for each month of his or
9 her sentence of imprisonment.

10 (2.1) For all offenses, other than those enumerated in
11 subdivision (a)(2)(i), (ii), or (iii) committed on or after
12 June 19, 1998 or subdivision (a)(2)(iv) committed on or
13 after June 23, 2005 (the effective date of Public Act
14 94-71) ~~this amendatory Act of the 94th General Assembly,~~
15 and other than the offense of reckless homicide as defined
16 in subsection (e) of Section 9-3 of the Criminal Code of
17 1961 committed on or after January 1, 1999, or aggravated
18 driving under the influence of alcohol, other drug or
19 drugs, or intoxicating compound or compounds, or any
20 combination thereof as defined in subparagraph (F) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code, the rules and regulations shall
23 provide that a prisoner who is serving a term of
24 imprisonment shall receive one day of good conduct credit
25 for each day of his or her sentence of imprisonment or
26 recommitment under Section 3-3-9. Each day of good conduct
27 credit shall reduce by one day the prisoner's period of
28 imprisonment or recommitment under Section 3-3-9.

29 (2.2) A prisoner serving a term of natural life
30 imprisonment or a prisoner who has been sentenced to death
31 shall receive no good conduct credit.

32 (2.3) The rules and regulations on early release shall
33 provide that a prisoner who is serving a sentence for
34 reckless homicide as defined in subsection (e) of Section
35 9-3 of the Criminal Code of 1961 committed on or after
36 January 1, 1999, or aggravated driving under the influence

1 of alcohol, other drug or drugs, or intoxicating compound
2 or compounds, or any combination thereof as defined in
3 subparagraph (F) of paragraph (1) of subsection (d) of
4 Section 11-501 of the Illinois Vehicle Code, shall receive
5 no more than 4.5 days of good conduct credit for each month
6 of his or her sentence of imprisonment.

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

19 (2.5) The rules and regulations on early release shall
20 provide that a prisoner who is serving a sentence for
21 aggravated arson committed on or after July 27, 2001 (the
22 effective date of Public Act 92-176) shall receive no more
23 than 4.5 days of good conduct credit for each month of his
24 or her sentence of imprisonment.

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

1 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
2 predatory criminal sexual assault of a child, aggravated
3 criminal sexual assault, criminal sexual assault, deviate
4 sexual assault, aggravated criminal sexual abuse,
5 aggravated indecent liberties with a child, indecent
6 liberties with a child, child pornography, heinous
7 battery, aggravated battery of a spouse, aggravated
8 battery of a spouse with a firearm, stalking, aggravated
9 stalking, aggravated battery of a child, endangering the
10 life or health of a child, cruelty to a child, or narcotic
11 racketeering. Notwithstanding the foregoing, good conduct
12 credit for meritorious service shall not be awarded on a
13 sentence of imprisonment imposed for conviction of: (i) one
14 of the offenses enumerated in subdivision (a)(2)(i), (ii),
15 or (iii) when the offense is committed on or after June 19,
16 1998 or subdivision (a)(2)(iv) when the offense is
17 committed on or after June 23, 2005 (the effective date of
18 Public Act 94-71) ~~this amendatory Act of the 94th General~~
19 ~~Assembly~~, (ii) reckless homicide as defined in subsection
20 (e) of Section 9-3 of the Criminal Code of 1961 when the
21 offense is committed on or after January 1, 1999, 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, (iii) one of the offenses enumerated
27 in subdivision (a)(2.4) when the offense is committed on or
28 after July 15, 1999 (the effective date of Public Act
29 91-121), ~~or~~ (iv) aggravated arson when the offense is
30 committed on or after July 27, 2001 (the effective date of
31 Public Act 92-176), or (v) aggravated battery under
32 subsection (a) of Section 12-4 of the Criminal Code of 1961
33 when the prisoner knew the individual harmed to be a peace
34 officer engaged in the execution of any of his or her
35 official duties, or the battery is to prevent the officer
36 from performing his or her official duties, or in

1 retaliation for the officer performing his or her official
2 duties and the offense was committed on or after the
3 effective date of this amendatory Act of the 94th General
4 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 camp⁷ or electronic detention, or if convicted of an
20 offense enumerated in subdivision (a)(2)(i), (ii), or
21 (iii) of this Section that is committed on or after June
22 19, 1998 or subdivision (a)(2)(iv) of this Section that is
23 committed on or after June 23, 2005 (the effective date of
24 Public Act 94-71) ~~this amendatory Act of the 94th General~~
25 ~~Assembly~~, or if convicted of reckless homicide as defined
26 in subsection (e) of Section 9-3 of the Criminal Code of
27 1961 if the offense is committed on or after January 1,
28 1999, or aggravated driving under the influence of alcohol,
29 other drug or drugs, or intoxicating compound or compounds,
30 or any combination thereof as defined in subparagraph (F)
31 of paragraph (1) of subsection (d) of Section 11-501 of the
32 Illinois Vehicle Code, or if convicted of an offense
33 enumerated in paragraph (a)(2.4) of this Section that is
34 committed on or after July 15, 1999 (the effective date of
35 Public Act 91-121), or first degree murder, a Class X
36 felony, criminal sexual assault, felony criminal sexual

1 abuse, aggravated criminal sexual abuse, aggravated
2 battery with a firearm, aggravated battery under
3 subsection (a) of Section 12-4 of the Criminal Code of 1961
4 when the prisoner knew the individual harmed to be a peace
5 officer engaged in the execution of any of his or her
6 official duties, or the battery is to prevent the officer
7 from performing his or her official duties, or in
8 retaliation for the officer performing his or her official
9 duties and the offense was committed on or after the
10 effective date of this amendatory Act of the 94th General
11 Assembly, or any predecessor or successor offenses with the
12 same or substantially the same elements, or any inchoate
13 offenses relating to the foregoing offenses. No inmate
14 shall be eligible for the additional good conduct credit
15 under this paragraph (4) who (i) has previously received
16 increased good conduct credit under this paragraph (4) and
17 has subsequently been convicted of a felony, or (ii) has
18 previously served more than one prior sentence of
19 imprisonment for a felony in an adult correctional
20 facility.

21 Educational, vocational, substance abuse and
22 correctional industry programs under which good conduct
23 credit may be increased under this paragraph (4) and
24 paragraph (4.1) of this subsection (a) shall be evaluated
25 by the Department on the basis of documented standards. The
26 Department shall report the results of these evaluations to
27 the Governor and the General Assembly by September 30th of
28 each year. The reports shall include data relating to the
29 recidivism rate among program participants.

30 Availability of these programs shall be subject to the
31 limits of fiscal resources appropriated by the General
32 Assembly for these purposes. Eligible inmates who are
33 denied immediate admission shall be placed on a waiting
34 list under criteria established by the Department. The
35 inability of any inmate to become engaged in any such
36 programs by reason of insufficient program resources or for

1 any other reason established under the rules and
2 regulations of the Department shall not be deemed a cause
3 of action under which the Department or any employee or
4 agent of the Department shall be liable for damages to the
5 inmate.

6 (4.1) The rules and regulations shall also provide that
7 an additional 60 days of good conduct credit shall be
8 awarded to any prisoner who passes the high school level
9 Test of General Educational Development (GED) and receives
10 a GED certificate while the prisoner is incarcerated. The
11 good conduct credit awarded under this paragraph (4.1)
12 shall be in addition to, and shall not affect, the award of
13 good conduct under any other paragraph of this Section, but
14 shall also be pursuant to the guidelines and restrictions
15 set forth in paragraph (4) of subsection (a) of this
16 Section.

17 (4.5) The rules and regulations on early release shall
18 also provide that when the court's sentencing order
19 recommends a prisoner for substance abuse treatment and the
20 crime was committed on or after September 1, 2003 (the
21 effective date of Public Act 93-354), the prisoner shall
22 receive no good conduct credit awarded under clause (3) of
23 this subsection (a) unless he or she participates in and
24 completes a substance abuse treatment program. The
25 Director may waive the requirement to participate in or
26 complete a substance abuse treatment program and award the
27 good conduct credit in specific instances if the prisoner
28 is not a good candidate for a substance abuse treatment
29 program for medical, programming, or operational reasons.
30 Availability of substance abuse treatment shall be subject
31 to the limits of fiscal resources appropriated by the
32 General Assembly for these purposes. If treatment is not
33 available and the requirement to participate and complete
34 the treatment has not been waived by the Director, the
35 prisoner shall be placed on a waiting list under criteria
36 established by the Department. The Director may allow a

1 prisoner placed on a waiting list to participate in and
2 complete a substance abuse education class or attend
3 substance abuse self-help meetings in lieu of a substance
4 abuse treatment program. A prisoner on a waiting list who
5 is not placed in a substance abuse program prior to release
6 may be eligible for a waiver and receive good conduct
7 credit under clause (3) of this subsection (a) at the
8 discretion of the Director.

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

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

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

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

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

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

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

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

35 For purposes of this subsection (d):

36 (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 affects the
32 validity of Public Act 89-404.

33 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,
34 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,
35 eff. 8-2-05; 94-491, eff. 8-8-05; revised 8-19-05.)