

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) or
18 with respect to the offense of being an armed habitual
19 criminal committed on or after August 2, 2005 (the
20 effective date of Public Act 94-398) or with respect to the
21 offenses listed in clause (v) of this paragraph (2)
22 committed on or after the effective date of this amendatory
23 Act of the 95th General Assembly, the following:

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

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

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

1 imprisonment; ~~and~~

2 (iv) that a prisoner serving a sentence for
3 aggravated discharge of a firearm, whether or not the
4 conduct leading to conviction for the offense resulted
5 in great bodily harm to the victim, shall receive no
6 more than 4.5 days of good conduct credit for each
7 month of his or her sentence of imprisonment; and -

8 (v) that a person serving a sentence for
9 gunrunning, narcotics racketeering, controlled
10 substance trafficking, methamphetamine trafficking,
11 drug-induced homicide, aggravated
12 methamphetamine-related child endangerment, money
13 laundering pursuant to clause (c) (4) or (5) of Section
14 29B-1 of the Criminal Code of 1961, or a Class X felony
15 conviction for delivery of a controlled substance,
16 possession of a controlled substance with intent to
17 manufacture or deliver, calculated criminal drug
18 conspiracy, criminal drug conspiracy, street gang
19 criminal drug conspiracy, participation in
20 methamphetamine manufacturing, aggravated
21 participation in methamphetamine manufacturing,
22 delivery of methamphetamine, possession with intent to
23 deliver methamphetamine, aggravated delivery of
24 methamphetamine, aggravated possession with intent to
25 deliver methamphetamine, methamphetamine conspiracy
26 when the substance containing the controlled substance

1 or methamphetamine is 100 grams or more shall receive
2 no more than 7.5 days good conduct credit for each
3 month of his or her sentence of imprisonment.

4 (2.1) For all offenses, other than those enumerated in
5 subdivision (a)(2)(i), (ii), or (iii) committed on or after
6 June 19, 1998 or subdivision (a)(2)(iv) committed on or
7 after June 23, 2005 (the effective date of Public Act
8 94-71) or subdivision (a)(2)(v) committed on or after the
9 effective date of this amendatory Act of the 95th General
10 Assembly, and other than the offense of reckless homicide
11 as defined in subsection (e) of Section 9-3 of the Criminal
12 Code of 1961 committed on or after January 1, 1999, or
13 aggravated driving under the influence of alcohol, other
14 drug or drugs, or intoxicating compound or compounds, or
15 any combination thereof as defined in subparagraph (F) of
16 paragraph (1) of subsection (d) of Section 11-501 of the
17 Illinois Vehicle Code, the rules and regulations shall
18 provide that a prisoner who is serving a term of
19 imprisonment shall receive one day of good conduct credit
20 for each day of his or her sentence of imprisonment or
21 recommitment under Section 3-3-9. Each day of good conduct
22 credit shall reduce by one day the prisoner's period of
23 imprisonment or 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 death
26 shall receive no good conduct credit.

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

12 (2.4) The rules and regulations on early release shall
13 provide with respect to the offenses of aggravated battery
14 with a machine gun or a firearm equipped with any device or
15 attachment designed or used for silencing the report of a
16 firearm or aggravated discharge of a machine gun or a
17 firearm equipped with any device or attachment designed or
18 used for silencing the report of a firearm, committed on or
19 after July 15, 1999 (the effective date of Public Act
20 91-121), that a prisoner serving a sentence for any of
21 these offenses shall receive no more than 4.5 days of good
22 conduct credit for each month of his or her sentence of
23 imprisonment.

24 (2.5) The rules and regulations on early release shall
25 provide that a prisoner who is serving a sentence for
26 aggravated arson committed on or after July 27, 2001 (the

1 effective date of Public Act 92-176) shall receive no more
2 than 4.5 days of good conduct credit for each month of his
3 or her sentence of imprisonment.

4 (3) The rules and regulations shall also provide that
5 the Director may award up to 180 days additional good
6 conduct credit for meritorious service in specific
7 instances as the Director deems proper; except that no more
8 than 90 days of good conduct credit for meritorious service
9 shall be awarded to any prisoner who is serving a sentence
10 for conviction of first degree murder, reckless homicide
11 while under the influence of alcohol or any other drug, or
12 aggravated driving under the influence of alcohol, other
13 drug or drugs, or intoxicating compound or compounds, or
14 any combination thereof as defined in subparagraph (F) of
15 paragraph (1) of subsection (d) of Section 11-501 of the
16 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
17 predatory criminal sexual assault of a child, aggravated
18 criminal sexual assault, criminal sexual assault, deviate
19 sexual assault, aggravated criminal sexual abuse,
20 aggravated indecent liberties with a child, indecent
21 liberties with a child, child pornography, heinous
22 battery, aggravated battery of a spouse, aggravated
23 battery of a spouse with a firearm, stalking, aggravated
24 stalking, aggravated battery of a child, endangering the
25 life or health of a child, or cruelty to a child,~~or~~
26 ~~narcotic racketeering~~. Notwithstanding the foregoing, good

1 conduct credit for meritorious service shall not be awarded
2 on a sentence of imprisonment imposed for conviction of:
3 (i) one of the offenses enumerated in subdivision
4 (a)(2)(i), (ii), or (iii) when the offense is committed on
5 or after June 19, 1998 or subdivision (a)(2)(iv) when the
6 offense is committed on or after June 23, 2005 (the
7 effective date of Public Act 94-71) or subdivision
8 (a)(2)(v) when the offense is committed on or after the
9 effective date of this amendatory Act of the 95th General
10 Assembly, (ii) reckless homicide as defined in subsection
11 (e) of Section 9-3 of the Criminal Code of 1961 when the
12 offense is committed on or after January 1, 1999, or
13 aggravated driving under the influence of alcohol, other
14 drug or drugs, or intoxicating compound or compounds, or
15 any combination thereof as defined in subparagraph (F) of
16 paragraph (1) of subsection (d) of Section 11-501 of the
17 Illinois Vehicle Code, (iii) one of the offenses enumerated
18 in subdivision (a)(2.4) when the offense is committed on or
19 after July 15, 1999 (the effective date of Public Act
20 91-121), or (iv) aggravated arson when the offense is
21 committed on or after July 27, 2001 (the effective date of
22 Public Act 92-176).

23 (4) The rules and regulations shall also provide that
24 the good conduct credit accumulated and retained under
25 paragraph (2.1) of subsection (a) of this Section by any
26 inmate during specific periods of time in which such inmate

1 is engaged full-time in substance abuse programs,
2 correctional industry assignments, or educational programs
3 provided by the Department under this paragraph (4) and
4 satisfactorily completes the assigned program as
5 determined by the standards of the Department, shall be
6 multiplied by a factor of 1.25 for program participation
7 before August 11, 1993 and 1.50 for program participation
8 on or after that date. However, no inmate shall be eligible
9 for the additional good conduct credit under this paragraph
10 (4) or (4.1) of this subsection (a) while assigned to a
11 boot camp or electronic detention, or if convicted of an
12 offense enumerated in subdivision (a)(2)(i), (ii), or
13 (iii) of this Section that is committed on or after June
14 19, 1998 or subdivision (a)(2)(iv) of this Section that is
15 committed on or after June 23, 2005 (the effective date of
16 Public Act 94-71) or subdivision (a)(2)(v) of this Section
17 that is committed on or after the effective date of this
18 amendatory Act of the 95th General Assembly, or if
19 convicted of reckless homicide as defined in subsection (e)
20 of Section 9-3 of the Criminal Code of 1961 if the offense
21 is 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, or if convicted of an offense

1 enumerated in paragraph (a)(2.4) of this Section that is
2 committed on or after July 15, 1999 (the effective date of
3 Public Act 91-121), or first degree murder, a Class X
4 felony, criminal sexual assault, felony criminal sexual
5 abuse, aggravated criminal sexual abuse, aggravated
6 battery with a firearm, or any predecessor or successor
7 offenses with the same or substantially the same elements,
8 or any inchoate offenses relating to the foregoing
9 offenses. No inmate shall be eligible for the additional
10 good conduct credit under this paragraph (4) who (i) has
11 previously received increased good conduct credit under
12 this paragraph (4) and has subsequently been convicted of a
13 felony, or (ii) has previously served more than one prior
14 sentence of imprisonment for a felony in an adult
15 correctional facility.

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

25 Availability of these programs shall be subject to the
26 limits of fiscal resources appropriated by the General

1 Assembly for these purposes. Eligible inmates who are
2 denied immediate admission shall be placed on a waiting
3 list under criteria established by the Department. The
4 inability of any inmate to become engaged in any such
5 programs by reason of insufficient program resources or for
6 any other reason established under the rules and
7 regulations of the Department shall not be deemed a cause
8 of action under which the Department or any employee or
9 agent of the Department shall be liable for damages to the
10 inmate.

11 (4.1) The rules and regulations shall also provide that
12 an additional 60 days of good conduct credit shall be
13 awarded to any prisoner who passes the high school level
14 Test of General Educational Development (GED) while the
15 prisoner is incarcerated. The good conduct credit awarded
16 under this paragraph (4.1) shall be in addition to, and
17 shall not affect, the award of good conduct under any other
18 paragraph of this Section, but shall also be pursuant to
19 the guidelines and restrictions set forth in paragraph (4)
20 of subsection (a) of this Section. The good conduct credit
21 provided for in this paragraph shall be available only to
22 those prisoners who have not previously earned a high
23 school diploma or a GED. If, after an award of the GED good
24 conduct credit has been made and the Department determines
25 that the prisoner was not eligible, then the award shall be
26 revoked.

1 (4.5) The rules and regulations on early release shall
2 also provide that when the court's sentencing order
3 recommends a prisoner for substance abuse treatment and the
4 crime was committed on or after September 1, 2003 (the
5 effective date of Public Act 93-354), the prisoner shall
6 receive no good conduct credit awarded under clause (3) of
7 this subsection (a) unless he or she participates in and
8 completes a substance abuse treatment program. The
9 Director may waive the requirement to participate in or
10 complete a substance abuse treatment program and award the
11 good conduct credit in specific instances if the prisoner
12 is not a good candidate for a substance abuse treatment
13 program for medical, programming, or operational reasons.
14 Availability of substance abuse treatment shall be subject
15 to the limits of fiscal resources appropriated by the
16 General Assembly for these purposes. If treatment is not
17 available and the requirement to participate and complete
18 the treatment has not been waived by the Director, the
19 prisoner shall be placed on a waiting list under criteria
20 established by the Department. The Director may allow a
21 prisoner placed on a waiting list to participate in and
22 complete a substance abuse education class or attend
23 substance abuse self-help meetings in lieu of a substance
24 abuse treatment program. A prisoner on a waiting list who
25 is not placed in a substance abuse program prior to release
26 may be eligible for a waiver and receive good conduct

1 credit under clause (3) of this subsection (a) at the
2 discretion of the Director.

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

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

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

20 When the Department seeks to revoke, suspend or reduce the
21 rate of accumulation of any good conduct credits for an alleged
22 infraction of its rules, it shall bring charges therefor
23 against the prisoner sought to be so deprived of good conduct
24 credits before the Prisoner Review Board as provided in
25 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
26 amount of credit at issue exceeds 30 days or when during any 12

1 month period, the cumulative amount of credit revoked exceeds
2 30 days except where the infraction is committed or discovered
3 within 60 days of scheduled release. In those cases, the
4 Department of Corrections may revoke up to 30 days of good
5 conduct credit. The Board may subsequently approve the
6 revocation of additional good conduct credit, if the Department
7 seeks to revoke good conduct credit in excess of 30 days.
8 However, the Board shall not be empowered to review the
9 Department's decision with respect to the loss of 30 days of
10 good conduct credit within any calendar year for any prisoner
11 or to increase any penalty beyond the length requested by the
12 Department.

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

20 Nothing contained in this Section shall prohibit the
21 Prisoner Review Board from ordering, pursuant to Section
22 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
23 sentence imposed by the court that was not served due to the
24 accumulation of good conduct credit.

25 (d) If a lawsuit is filed by a prisoner in an Illinois or
26 federal court against the State, the Department of Corrections,

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

13 For purposes of this subsection (d):

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

18 (A) it lacks an arguable basis either in law or in
19 fact;

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

23 (C) the claims, defenses, and other legal
24 contentions therein are not warranted by existing law
25 or by a nonfrivolous argument for the extension,
26 modification, or reversal of existing law or the

1 establishment of new law;

2 (D) the allegations and other factual contentions
3 do not have evidentiary support or, if specifically so
4 identified, are not likely to have evidentiary support
5 after a reasonable opportunity for further
6 investigation or discovery; or

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

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

19 (e) Nothing in Public Act 90-592 or 90-593 affects the
20 validity of Public Act 89-404.

21 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,
22 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,
23 eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.