

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), the following:

21 (i) that a prisoner who is serving a term of
22 imprisonment for first degree murder or for the offense
23 of terrorism shall receive no good conduct credit and

1 shall serve the entire sentence imposed by the court;

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

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

25 (iv) that a prisoner serving a sentence for
26 aggravated discharge of a firearm, whether or not the

1 conduct leading to conviction for the offense resulted
2 in great bodily harm to the victim, shall receive no
3 more than 4.5 days of good conduct credit for each
4 month of his or her sentence of imprisonment.

5 (2.1) For all offenses, other than those enumerated in
6 subdivision (a)(2)(i), (ii), or (iii) committed on or after
7 June 19, 1998 or subdivision (a)(2)(iv) committed on or
8 after June 23, 2005 (the effective date of Public Act
9 94-71), and other than the offense of reckless homicide as
10 defined in subsection (e) of Section 9-3 of the Criminal
11 Code of 1961 committed on or after January 1, 1999, 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, the rules and regulations shall
17 provide that a prisoner who is serving a term of
18 imprisonment shall receive one day of good conduct credit
19 for each day of his or her sentence of imprisonment or
20 recommitment under Section 3-3-9. Each day of good conduct
21 credit shall reduce by one day the prisoner's period of
22 imprisonment or recommitment under Section 3-3-9.

23 (2.2) A prisoner serving a term of natural life
24 imprisonment or a prisoner who has been sentenced to death
25 shall receive no good conduct credit.

26 (2.3) The rules and regulations on early release shall

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

11 (2.4) The rules and regulations on early release shall
12 provide with respect to the offenses of aggravated battery
13 with a machine gun or a firearm equipped with any device or
14 attachment designed or used for silencing the report of a
15 firearm or aggravated discharge of a machine gun or a
16 firearm equipped with any device or attachment designed or
17 used for silencing the report of a firearm, committed on or
18 after July 15, 1999 (the effective date of Public Act
19 91-121), that a prisoner serving a sentence for any of
20 these offenses shall receive no more than 4.5 days of good
21 conduct credit for each month of his or her sentence of
22 imprisonment.

23 (2.5) The rules and regulations on early release shall
24 provide that a prisoner who is serving a sentence for
25 aggravated arson committed on or after July 27, 2001 (the
26 effective date of Public Act 92-176) shall receive no more

1 than 4.5 days of good conduct credit for each month of his
2 or her sentence of imprisonment.

3 (3) The rules and regulations shall also provide that
4 the Director may award up to 180 days additional good
5 conduct credit for meritorious service in specific
6 instances as the Director deems proper; except that no more
7 than 90 days of good conduct credit for meritorious service
8 shall be awarded to any prisoner who is serving a sentence
9 for conviction of first degree murder, reckless homicide
10 while under the influence of alcohol or any other drug, or
11 aggravated driving under the influence of alcohol, other
12 drug or drugs, or intoxicating compound or compounds, or
13 any combination thereof as defined in subparagraph (F) of
14 paragraph (1) of subsection (d) of Section 11-501 of the
15 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
16 predatory criminal sexual assault of a child, aggravated
17 criminal sexual assault, criminal sexual assault, deviate
18 sexual assault, aggravated criminal sexual abuse,
19 aggravated indecent liberties with a child, indecent
20 liberties with a child, child pornography, heinous
21 battery, aggravated battery of a spouse, aggravated
22 battery of a spouse with a firearm, stalking, aggravated
23 stalking, aggravated battery of a child, endangering the
24 life or health of a child, cruelty to a child, or narcotic
25 racketeering. Notwithstanding the foregoing, good conduct
26 credit for meritorious service shall not be awarded on a

1 sentence of imprisonment imposed for conviction of: (i) one
2 of the offenses enumerated in subdivision (a)(2)(i), (ii),
3 or (iii) when the offense is committed on or after June 19,
4 1998 or subdivision (a)(2)(iv) when the offense is
5 committed on or after June 23, 2005 (the effective date of
6 Public Act 94-71), (ii) reckless homicide as defined in
7 subsection (e) of Section 9-3 of the Criminal Code of 1961
8 when the offense is committed on or after January 1, 1999,
9 or aggravated driving under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof as defined in subparagraph (F) of
12 paragraph (1) of subsection (d) of Section 11-501 of the
13 Illinois Vehicle Code, (iii) one of the offenses enumerated
14 in subdivision (a)(2.4) when the offense is committed on or
15 after July 15, 1999 (the effective date of Public Act
16 91-121), or (iv) aggravated arson when the offense is
17 committed on or after July 27, 2001 (the effective date of
18 Public Act 92-176).

19 (4) The rules and regulations shall also provide that
20 the good conduct credit accumulated and retained under
21 paragraph (2.1) of subsection (a) of this Section by any
22 inmate during specific periods of time in which such inmate
23 is engaged full-time in substance abuse programs,
24 correctional industry assignments, or educational programs
25 provided by the Department under this paragraph (4) and
26 satisfactorily completes the assigned program as

1 determined by the standards of the Department, shall be
2 multiplied by a factor of 1.25 for program participation
3 before August 11, 1993 and 1.50 for program participation
4 on or after that date. However, no inmate shall be eligible
5 for the additional good conduct credit under this paragraph
6 (4) or (4.1) of this subsection (a) while assigned to a
7 boot camp or electronic detention, or if convicted of an
8 offense enumerated in subdivision (a)(2)(i), (ii), or
9 (iii) of this Section that is committed on or after June
10 19, 1998 or subdivision (a)(2)(iv) of this Section that is
11 committed on or after June 23, 2005 (the effective date of
12 Public Act 94-71), or if convicted of reckless homicide as
13 defined in subsection (e) of Section 9-3 of the Criminal
14 Code of 1961 if the offense is committed on or after
15 January 1, 1999, or aggravated driving under the influence
16 of alcohol, other drug or drugs, or intoxicating compound
17 or compounds, or any combination thereof as defined in
18 subparagraph (F) of paragraph (1) of subsection (d) of
19 Section 11-501 of the Illinois Vehicle Code, or if
20 convicted of an offense enumerated in paragraph (a)(2.4) of
21 this Section that is committed on or after July 15, 1999
22 (the effective date of Public Act 91-121), or first degree
23 murder, a Class X felony, criminal sexual assault, felony
24 criminal sexual abuse, aggravated criminal sexual abuse,
25 aggravated battery with a firearm, or any predecessor or
26 successor offenses with the same or substantially the same

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

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

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

1 of action under which the Department or any employee or
2 agent of the Department shall be liable for damages to the
3 inmate.

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

20 (4.5) The rules and regulations on early release shall
21 also provide that when the court's sentencing order
22 recommends a prisoner for substance abuse treatment and the
23 crime was committed on or after September 1, 2003 (the
24 effective date of Public Act 93-354), the prisoner shall
25 receive no good conduct credit awarded under clause (3) of
26 this subsection (a) unless he or she participates in and

1 completes a substance abuse treatment program. The
2 Director may waive the requirement to participate in or
3 complete a substance abuse treatment program and award the
4 good conduct credit in specific instances if the prisoner
5 is not a good candidate for a substance abuse treatment
6 program for medical, programming, or operational reasons.
7 Availability of substance abuse treatment shall be subject
8 to the limits of fiscal resources appropriated by the
9 General Assembly for these purposes. If treatment is not
10 available and the requirement to participate and complete
11 the treatment has not been waived by the Director, the
12 prisoner shall be placed on a waiting list under criteria
13 established by the Department. The Director may allow a
14 prisoner placed on a waiting list to participate in and
15 complete a substance abuse education class or attend
16 substance abuse self-help meetings in lieu of a substance
17 abuse treatment program. A prisoner on a waiting list who
18 is not placed in a substance abuse program prior to release
19 may be eligible for a waiver and receive good conduct
20 credit under clause (3) of this subsection (a) at the
21 discretion of the Director.

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

1 Attorney of the county where the prosecution of the inmate
2 took place.

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

7 (c) The Department shall prescribe rules and regulations
8 for revoking good conduct credit, or suspending or reducing the
9 rate of accumulation of good conduct credit for specific rule
10 violations, during imprisonment. These rules and regulations
11 shall provide that no inmate may be penalized more than one
12 year of good conduct credit for any one infraction.

13 When the Department seeks to revoke, suspend or reduce the
14 rate of accumulation of any good conduct credits for an alleged
15 infraction of its rules, it shall bring charges therefor
16 against the prisoner sought to be so deprived of good conduct
17 credits before the Prisoner Review Board as provided in
18 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
19 amount of credit at issue exceeds 30 days or when during any 12
20 month period, the cumulative amount of credit revoked exceeds
21 30 days except where the infraction is committed or discovered
22 within 60 days of scheduled release. In those cases, the
23 Department of Corrections may revoke up to 30 days of good
24 conduct credit. The Board may subsequently approve the
25 revocation of additional good conduct credit, if the Department
26 seeks to revoke good conduct credit in excess of 30 days.

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

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

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

18 (d) If a lawsuit is filed by a prisoner in an Illinois or
19 federal court against the State, the Department of Corrections,
20 or the Prisoner Review Board, or against any of their officers
21 or employees, and the court makes a specific finding that a
22 pleading, motion, or other paper filed by the prisoner is
23 frivolous, the Department of Corrections shall conduct a
24 hearing to revoke up to 180 days of good conduct credit by
25 bringing charges against the prisoner sought to be deprived of
26 the good conduct credits before the Prisoner Review Board as

1 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
2 If the prisoner has not accumulated 180 days of good conduct
3 credit at the time of the finding, then the Prisoner Review
4 Board may revoke all good conduct credit accumulated by the
5 prisoner.

6 For purposes of this subsection (d):

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

11 (A) it lacks an arguable basis either in law or in
12 fact;

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

16 (C) the claims, defenses, and other legal
17 contentions therein are not warranted by existing law
18 or by a nonfrivolous argument for the extension,
19 modification, or reversal of existing law or the
20 establishment of new law;

21 (D) the allegations and other factual contentions
22 do not have evidentiary support or, if specifically so
23 identified, are not likely to have evidentiary support
24 after a reasonable opportunity for further
25 investigation or discovery; or

26 (E) the denials of factual contentions are not

1 warranted on the evidence, or if specifically so
2 identified, are not reasonably based on a lack of
3 information or belief.

4 (2) "Lawsuit" means a petition for post-conviction
5 relief under Article 122 of the Code of Criminal Procedure
6 of 1963, a motion pursuant to Section 116-3 of the Code of
7 Criminal Procedure of 1963, a habeas corpus action under
8 Article X of the Code of Civil Procedure or under federal
9 law (28 U.S.C. 2254), a petition for claim under the Court
10 of Claims Act, ~~or~~ an action under the federal Civil Rights
11 Act (42 U.S.C. 1983), or a second or subsequent petition
12 for post-conviction relief under Article 122 of the Code of
13 Criminal Procedure of 1963 whether filed with or without
14 leave of court or a second or subsequent petition for
15 relief from judgment under Section 2-1401 of the Code of
16 Civil Procedure.

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

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