



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB3955

Introduced 11/4/2010, by Sen. Kirk W. Dillard - Tim Bivins

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that an inmate is ineligible for the award of meritorious good conduct credit if the inmate was convicted of: (1) a violent crime as defined in the Rights of Crime Victims and Witnesses Act committed on or after the effective date of the amendatory Act or (2) a second or subsequent violation of driving under the influence or aggravated driving under the influence of alcohol or any other drug or drugs, or intoxicating compound or compounds, or any combination thereof committed on or after the effective date of the amendatory Act. Effective immediately.

LRB096 24021 RLC 43429 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 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 offense listed in clause (vi) committed on  
19 or after June 1, 2008 (the effective date of Public Act  
20 95-625) or with respect to the offense of being an armed  
21 habitual criminal committed on or after August 2, 2005 (the  
22 effective date of Public Act 94-398) or with respect to the  
23 offenses listed in clause (v) of this paragraph (2)

1 committed on or after August 13, 2007 (the effective date  
2 of Public Act 95-134) or with respect to the offense of  
3 aggravated domestic battery committed on or after July 23,  
4 2010 (the effective date of Public Act 96-1224) ~~this~~  
5 ~~amendatory Act of the 96th General Assembly~~, the following:

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

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

22 (iii) that a prisoner serving a sentence for home  
23 invasion, armed robbery, aggravated vehicular  
24 hijacking, aggravated discharge of a firearm, or armed  
25 violence with a category I weapon or category II  
26 weapon, when the court has made and entered a finding,

1           pursuant to subsection (c-1) of Section 5-4-1 of this  
2           Code, that the conduct leading to conviction for the  
3           enumerated offense resulted in great bodily harm to a  
4           victim, shall receive no more than 4.5 days of good  
5           conduct credit for each month of his or her sentence of  
6           imprisonment;

7           (iv) that a prisoner serving a sentence for  
8           aggravated discharge of a firearm, whether or not the  
9           conduct leading to conviction for the offense resulted  
10          in great bodily harm to the victim, shall receive no  
11          more than 4.5 days of good conduct credit for each  
12          month of his or her sentence of imprisonment;

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

1 delivery of methamphetamine, possession with intent to  
2 deliver methamphetamine, aggravated delivery of  
3 methamphetamine, aggravated possession with intent to  
4 deliver methamphetamine, methamphetamine conspiracy  
5 when the substance containing the controlled substance  
6 or methamphetamine is 100 grams or more shall receive  
7 no more than 7.5 days good conduct credit for each  
8 month of his or her sentence of imprisonment;

9 (vi) that a prisoner serving a sentence for a  
10 second or subsequent offense of luring a minor shall  
11 receive no more than 4.5 days of good conduct credit  
12 for each month of his or her sentence of imprisonment;  
13 and

14 (vii) that a prisoner serving a sentence for  
15 aggravated domestic battery shall receive no more than  
16 4.5 days of good conduct credit for each month of his  
17 or her sentence of imprisonment.

18 (2.1) For all offenses, other than those enumerated in  
19 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
20 June 19, 1998 or subdivision (a)(2)(iv) committed on or  
21 after June 23, 2005 (the effective date of Public Act  
22 94-71) or subdivision (a)(2)(v) committed on or after  
23 August 13, 2007 (the effective date of Public Act 95-134)  
24 or subdivision (a)(2)(vi) committed on or after June 1,  
25 2008 (the effective date of Public Act 95-625) or  
26 subdivision (a)(2)(vii) committed on or after July 23, 2010

1        (the effective date of Public Act 96-1224) ~~this amendatory~~  
2        ~~Act of the 96th General Assembly,~~ and other than the  
3        offense of aggravated driving under the influence of  
4        alcohol, other drug or drugs, or intoxicating compound or  
5        compounds, or any combination thereof as defined in  
6        subparagraph (F) of paragraph (1) of subsection (d) of  
7        Section 11-501 of the Illinois Vehicle Code, and other than  
8        the offense of aggravated driving under the influence of  
9        alcohol, other drug or drugs, or intoxicating compound or  
10       compounds, or any combination thereof as defined in  
11       subparagraph (C) of paragraph (1) of subsection (d) of  
12       Section 11-501 of the Illinois Vehicle Code committed on or  
13       after January 1, 2011 (the effective date of Public Act  
14       96-1230) ~~this amendatory Act of the 96th General Assembly,~~  
15       the rules and regulations shall provide that a prisoner who  
16       is serving a term of imprisonment shall receive one day of  
17       good conduct credit for each day of his or her sentence of  
18       imprisonment or recommitment under Section 3-3-9. Each day  
19       of good conduct credit shall reduce by one day the  
20       prisoner's period of imprisonment or recommitment under  
21       Section 3-3-9.

22       (2.2) A prisoner serving a term of natural life  
23       imprisonment or a prisoner who has been sentenced to death  
24       shall receive no good conduct credit.

25       (2.3) The rules and regulations on early release shall  
26       provide that a prisoner who is serving a sentence for

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

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

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

26          (2.6) The rules and regulations on early release shall

1 provide that a prisoner who is serving a sentence for  
2 aggravated driving under the influence of alcohol, other  
3 drug or drugs, or intoxicating compound or compounds, or  
4 any combination thereof as defined in subparagraph (C) of  
5 paragraph (1) of subsection (d) of Section 11-501 of the  
6 Illinois Vehicle Code committed on or after January 1, 2011  
7 (the effective date of Public Act 96-1230) ~~this amendatory~~  
8 ~~Act of the 96th General Assembly,~~ shall receive no more  
9 than 4.5 days of good conduct credit for each month of his  
10 or her sentence of imprisonment.

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



1 aggravated indecent liberties with a child, indecent  
2 liberties with a child, child pornography, heinous  
3 battery, aggravated battery of a spouse, aggravated  
4 battery of a spouse with a firearm, stalking, aggravated  
5 stalking, aggravated battery of a child, endangering the  
6 life or health of a child, or cruelty to a child.  
7 Notwithstanding the foregoing, good conduct credit for  
8 meritorious service shall not be awarded on a sentence of  
9 imprisonment imposed for conviction of: (i) one of the  
10 offenses enumerated in subdivision (a)(2)(i), (ii), or  
11 (iii) when the offense is committed on or after June 19,  
12 1998 or subdivision (a)(2)(iv) when the offense is  
13 committed on or after June 23, 2005 (the effective date of  
14 Public Act 94-71) or subdivision (a)(2)(v) when the offense  
15 is committed on or after August 13, 2007 (the effective  
16 date of Public Act 95-134) or subdivision (a)(2)(vi) when  
17 the offense is committed on or after June 1, 2008 (the  
18 effective date of Public Act 95-625) or subdivision  
19 (a)(2)(vii) when the offense is committed on or after July  
20 23, 2010 (the effective date of Public Act 96-1224) ~~this~~  
21 ~~amendatory Act of the 96th General Assembly~~, (ii)  
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

1 in subdivision (a) (2.4) when the offense is committed on or  
2 after July 15, 1999 (the effective date of Public Act  
3 91-121), (iv) aggravated arson when the offense is  
4 committed on or after July 27, 2001 (the effective date of  
5 Public Act 92-176), ~~or~~ (v) offenses that may subject the  
6 offender to commitment under the Sexually Violent Persons  
7 Commitment Act, ~~or~~ (vi) ~~(v)~~ aggravated driving under the  
8 influence of alcohol, other drug or drugs, or intoxicating  
9 compound or compounds, or any combination thereof as  
10 defined in subparagraph (C) of paragraph (1) of subsection  
11 (d) of Section 11-501 of the Illinois Vehicle Code  
12 committed on or after January 1, 2011 (the effective date  
13 of Public Act 96-1230), (vii) a violent crime as defined in  
14 Section 3 of the Rights of Crime Victims and Witnesses Act  
15 committed on or after the effective date of this amendatory  
16 Act of the 96th General Assembly, or (viii) a second or  
17 subsequent violation of driving under the influence or  
18 aggravated driving under the influence of alcohol or any  
19 other drug or drugs, or intoxicating compound or compounds,  
20 or any combination thereof as defined in Section 11-501 of  
21 the Illinois Vehicle Code committed on or after the  
22 effective date of this amendatory Act of the 96th General  
23 Assembly ~~this amendatory Act of the 96th General Assembly.~~

24 The Director shall not award good conduct credit for  
25 meritorious service under this paragraph (3) to an inmate  
26 unless the inmate has served a minimum of 60 days of the

1 sentence; except nothing in this paragraph shall be  
2 construed to permit the Director to extend an inmate's  
3 sentence beyond that which was imposed by the court. Prior  
4 to awarding credit under this paragraph (3), the Director  
5 shall make a written determination that the inmate:

6 (A) is eligible for good conduct credit for  
7 meritorious service;

8 (B) has served a minimum of 60 days, or as close to  
9 60 days as the sentence will allow; and

10 (C) has met the eligibility criteria established  
11 by rule.

12 The Director shall determine the form and content of  
13 the written determination required in this subsection.

14 (4) The rules and regulations shall also provide that  
15 the good conduct credit accumulated and retained under  
16 paragraph (2.1) of subsection (a) of this Section by any  
17 inmate during specific periods of time in which such inmate  
18 is engaged full-time in substance abuse programs,  
19 correctional industry assignments, or educational programs  
20 provided by the Department under this paragraph (4) and  
21 satisfactorily completes the assigned program as  
22 determined by the standards of the Department, shall be  
23 multiplied by a factor of 1.25 for program participation  
24 before August 11, 1993 and 1.50 for program participation  
25 on or after that date. However, no inmate shall be eligible  
26 for the additional good conduct credit under this paragraph

1 (4) or (4.1) of this subsection (a) while assigned to a  
2 boot camp or electronic detention, or if convicted of an  
3 offense enumerated in subdivision (a)(2)(i), (ii), or  
4 (iii) of this Section that is committed on or after June  
5 19, 1998 or subdivision (a)(2)(iv) of this Section that is  
6 committed on or after June 23, 2005 (the effective date of  
7 Public Act 94-71) or subdivision (a)(2)(v) of this Section  
8 that is committed on or after August 13, 2007 (the  
9 effective date of Public Act 95-134) or subdivision  
10 (a)(2)(vi) when the offense is committed on or after June  
11 1, 2008 (the effective date of Public Act 95-625) or  
12 subdivision (a)(2)(vii) when the offense is committed on or  
13 after July 23, 2010 (the effective date of Public Act  
14 96-1224) ~~this amendatory Act of the 96th General Assembly,~~  
15 or if convicted of aggravated driving under the influence  
16 of alcohol, other drug or drugs, or intoxicating compound  
17 or compounds~~7~~ 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 aggravated driving under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds~~7~~ or any combination thereof as defined in  
23 subparagraph (C) of paragraph (1) of subsection (d) of  
24 Section 11-501 of the Illinois Vehicle Code committed on or  
25 after January 1, 2011 (the effective date of Public Act  
26 96-1230) ~~this amendatory Act of the 96th General Assembly,~~

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

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

26 Availability of these programs shall be subject to the

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

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

1           revoked.

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

1           may be eligible for a waiver and receive good conduct  
2           credit under clause (3) of this subsection (a) at the  
3           discretion of the Director.

4           (4.6) The rules and regulations on early release shall  
5           also provide that a prisoner who has been convicted of a  
6           sex offense as defined in Section 2 of the Sex Offender  
7           Registration Act shall receive no good conduct credit  
8           unless he or she either has successfully completed or is  
9           participating in sex offender treatment as defined by the  
10          Sex Offender Management Board. However, prisoners who are  
11          waiting to receive such treatment, but who are unable to do  
12          so due solely to the lack of resources on the part of the  
13          Department, may, at the Director's sole discretion, be  
14          awarded good conduct credit at such rate as the Director  
15          shall determine.

16          (5) Whenever the Department is to release any inmate  
17          earlier than it otherwise would because of a grant of good  
18          conduct credit for meritorious service given at any time  
19          during the term, the Department shall give reasonable  
20          notice of the impending release not less than 14 days prior  
21          to the date of the release to the State's Attorney of the  
22          county where the prosecution of the inmate took place, and  
23          if applicable, the State's Attorney of the county into  
24          which the inmate will be released. The Department must also  
25          make identification information and a recent photo of the  
26          inmate being released accessible on the Internet by means



1 of a hyperlink labeled "Community Notification of Inmate  
2 Early Release" on the Department's World Wide Web homepage.  
3 The identification information shall include the inmate's:  
4 name, any known alias, date of birth, physical  
5 characteristics, residence address, commitment offense and  
6 county where conviction was imposed. The identification  
7 information shall be placed on the website within 3 days of  
8 the inmate's release and the information may not be removed  
9 until either: completion of the first year of mandatory  
10 supervised release or return of the inmate to custody of  
11 the Department.

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

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

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

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

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

15 For purposes of this subsection (d):

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

20 (A) it lacks an arguable basis either in law or in  
21 fact;

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

25 (C) the claims, defenses, and other legal  
26 contentions therein are not warranted by existing law

1 or by a nonfrivolous argument for the extension,  
2 modification, or reversal of existing law or the  
3 establishment of new law;

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

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

13 (2) "Lawsuit" means a motion pursuant to Section 116-3  
14 of the Code of Criminal Procedure of 1963, a habeas corpus  
15 action under Article X of the Code of Civil Procedure or  
16 under federal law (28 U.S.C. 2254), a petition for claim  
17 under the Court of Claims Act, an action under the federal  
18 Civil Rights Act (42 U.S.C. 1983), or a second or  
19 subsequent petition for post-conviction relief under  
20 Article 122 of the Code of Criminal Procedure of 1963  
21 whether filed with or without leave of court or a second or  
22 subsequent petition for relief from judgment under Section  
23 2-1401 of the Code of Civil Procedure.

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

26 (f) Whenever the Department is to release any inmate who

1 has been convicted of a violation of an order of protection  
2 under Section 12-30 of the Criminal Code of 1961, earlier than  
3 it otherwise would because of a grant of good conduct credit,  
4 the Department, as a condition of such early release, shall  
5 require that the person, upon release, be placed under  
6 electronic surveillance as provided in Section 5-8A-7 of this  
7 Code.

8 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;  
9 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
10 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.  
11 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,  
12 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law.