



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5121

Introduced 2/8/2012, by Rep. Daniel V. Beiser

#### SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that a prisoner who is serving a term of imprisonment for attempt to commit terrorism shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment. Effective January 1, 2013.

LRB097 18008 RLC 63231 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning corrections.

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) or with  
5 respect to the offense of attempt to commit terrorism  
6 committed on or after the effective date of this amendatory  
7 Act of the 97th General Assembly, the following:

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

12 (ii) that a prisoner serving a sentence for attempt  
13 to commit terrorism, attempt to commit first degree  
14 murder, solicitation of murder, solicitation of murder  
15 for hire, intentional homicide of an unborn child,  
16 predatory criminal sexual assault of a child,  
17 aggravated criminal sexual assault, criminal sexual  
18 assault, aggravated kidnapping, aggravated battery  
19 with a firearm as described in Section 12-4.2 or  
20 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of  
21 Section 12-3.05, heinous battery as described in  
22 Section 12-4.1 or subdivision (a)(2) of Section  
23 12-3.05, being an armed habitual criminal, aggravated  
24 battery of a senior citizen as described in Section  
25 12-4.6 or subdivision (a)(4) of Section 12-3.05, or  
26 aggravated battery of a child as described in Section

1 12-4.3 or subdivision (b)(1) of Section 12-3.05 shall  
2 receive no more than 4.5 days of good conduct credit  
3 for each month of his or her sentence of imprisonment;

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

15 (iv) that a prisoner serving a sentence for  
16 aggravated discharge of a firearm, whether or not the  
17 conduct leading to conviction for the offense resulted  
18 in great bodily harm to the victim, shall receive no  
19 more than 4.5 days of good conduct credit for each  
20 month of his or her sentence of imprisonment;

21 (v) that a person serving a sentence for  
22 gunrunning, narcotics racketeering, controlled  
23 substance trafficking, methamphetamine trafficking,  
24 drug-induced homicide, aggravated  
25 methamphetamine-related child endangerment, money  
26 laundering pursuant to clause (c) (4) or (5) of Section

1 29B-1 of the Criminal Code of 1961, or a Class X felony  
2 conviction for delivery of a controlled substance,  
3 possession of a controlled substance with intent to  
4 manufacture or deliver, calculated criminal drug  
5 conspiracy, criminal drug conspiracy, street gang  
6 criminal drug conspiracy, participation in  
7 methamphetamine manufacturing, aggravated  
8 participation in methamphetamine manufacturing,  
9 delivery of methamphetamine, possession with intent to  
10 deliver methamphetamine, aggravated delivery of  
11 methamphetamine, aggravated possession with intent to  
12 deliver methamphetamine, methamphetamine conspiracy  
13 when the substance containing the controlled substance  
14 or methamphetamine is 100 grams or more shall receive  
15 no more than 7.5 days good conduct credit for each  
16 month of his or her sentence of imprisonment;

17 (vi) that a prisoner serving a sentence for a  
18 second or subsequent offense of luring a minor shall  
19 receive no more than 4.5 days of good conduct credit  
20 for each month of his or her sentence of imprisonment;  
21 and

22 (vii) that a prisoner serving a sentence for  
23 aggravated domestic battery shall receive no more than  
24 4.5 days of good conduct credit for each month of his  
25 or her sentence of imprisonment.

26 (2.1) For all offenses, other than those enumerated in

1 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
2 June 19, 1998 or subdivision (a)(2)(iv) committed on or  
3 after June 23, 2005 (the effective date of Public Act  
4 94-71) or subdivision (a)(2)(v) committed on or after  
5 August 13, 2007 (the effective date of Public Act 95-134)  
6 or subdivision (a)(2)(vi) committed on or after June 1,  
7 2008 (the effective date of Public Act 95-625) or  
8 subdivision (a)(2)(vii) committed on or after July 23, 2010  
9 (the effective date of Public Act 96-1224), and other than  
10 the offense of aggravated driving under the influence of  
11 alcohol, other drug or drugs, or intoxicating compound or  
12 compounds, or any combination thereof as defined in  
13 subparagraph (F) of paragraph (1) of subsection (d) of  
14 Section 11-501 of the Illinois Vehicle Code, and other than  
15 the offense of aggravated driving under the influence of  
16 alcohol, other drug or drugs, or intoxicating compound or  
17 compounds, or any combination thereof as defined in  
18 subparagraph (C) of paragraph (1) of subsection (d) of  
19 Section 11-501 of the Illinois Vehicle Code committed on or  
20 after January 1, 2011 (the effective date of Public Act  
21 96-1230), the rules and regulations shall provide that a  
22 prisoner who is serving a term of imprisonment shall  
23 receive one day of good conduct credit for each day of his  
24 or her sentence of imprisonment or recommitment under  
25 Section 3-3-9. Each day of good conduct credit shall reduce  
26 by one day the prisoner's period of imprisonment or

1           recommitment under Section 3-3-9.

2           (2.2) A prisoner serving a term of natural life  
3           imprisonment or a prisoner who has been sentenced to death  
4           shall receive no good conduct credit.

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

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

26          (2.5) The rules and regulations on early release shall

1 provide that a prisoner who is serving a sentence for  
2 aggravated arson committed on or after July 27, 2001 (the  
3 effective date of Public Act 92-176) shall receive no more  
4 than 4.5 days of good conduct credit for each month of his  
5 or her sentence of imprisonment.

6 (2.6) The rules and regulations on early release shall  
7 provide that a prisoner who is serving a sentence for  
8 aggravated driving under the influence of alcohol, other  
9 drug or drugs, or intoxicating compound or compounds or any  
10 combination thereof as defined in subparagraph (C) of  
11 paragraph (1) of subsection (d) of Section 11-501 of the  
12 Illinois Vehicle Code committed on or after January 1, 2011  
13 (the effective date of Public Act 96-1230) shall receive no  
14 more than 4.5 days of good conduct credit for each month of  
15 his or her sentence of imprisonment.

16 (3) The rules and regulations shall also provide that  
17 the Director may award up to 180 days additional good  
18 conduct credit for meritorious service in specific  
19 instances as the Director deems proper; except that no more  
20 than 90 days of good conduct credit for meritorious service  
21 shall be awarded to any prisoner who is serving a sentence  
22 for conviction of first degree murder, reckless homicide  
23 while under the influence of alcohol or any other drug, or  
24 aggravated driving under the influence of alcohol, other  
25 drug or drugs, or intoxicating compound or compounds, or  
26 any combination thereof as defined in subparagraph (F) of



1 paragraph (1) of subsection (d) of Section 11-501 of the  
2 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
3 predatory criminal sexual assault of a child, aggravated  
4 criminal sexual assault, criminal sexual assault, deviate  
5 sexual assault, aggravated criminal sexual abuse,  
6 aggravated indecent liberties with a child, indecent  
7 liberties with a child, child pornography, heinous battery  
8 as described in Section 12-4.1 or subdivision (a)(2) of  
9 Section 12-3.05, aggravated battery of a spouse,  
10 aggravated battery of a spouse with a firearm, stalking,  
11 aggravated stalking, aggravated battery of a child as  
12 described in Section 12-4.3 or subdivision (b)(1) of  
13 Section 12-3.05, endangering the life or health of a child,  
14 or cruelty to a child. Notwithstanding the foregoing, good  
15 conduct credit for meritorious service shall not be awarded  
16 on a sentence of imprisonment imposed for conviction of:  
17 (i) one of the offenses enumerated in subdivision  
18 (a)(2)(i), (ii), or (iii) when the offense is committed on  
19 or after June 19, 1998 or subdivision (a)(2)(iv) when the  
20 offense is committed on or after June 23, 2005 (the  
21 effective date of Public Act 94-71) or subdivision  
22 (a)(2)(v) when the offense is committed on or after August  
23 13, 2007 (the effective date of Public Act 95-134) or  
24 subdivision (a)(2)(vi) when the offense is committed on or  
25 after June 1, 2008 (the effective date of Public Act  
26 95-625) or subdivision (a)(2)(vii) when the offense is

1 committed on or after July 23, 2010 (the effective date of  
2 Public Act 96-1224), (ii) aggravated driving under the  
3 influence of alcohol, other drug or drugs, or intoxicating  
4 compound or compounds, or any combination thereof as  
5 defined in subparagraph (F) of paragraph (1) of subsection  
6 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)  
7 one of the offenses enumerated in subdivision (a) (2.4) when  
8 the offense is committed on or after July 15, 1999 (the  
9 effective date of Public Act 91-121), (iv) aggravated arson  
10 when the offense is committed on or after July 27, 2001  
11 (the effective date of Public Act 92-176), (v) offenses  
12 that may subject the offender to commitment under the  
13 Sexually Violent Persons Commitment Act, or (vi)  
14 aggravated driving under the influence of alcohol, other  
15 drug or drugs, or intoxicating compound or compounds or any  
16 combination thereof as defined in subparagraph (C) of  
17 paragraph (1) of subsection (d) of Section 11-501 of the  
18 Illinois Vehicle Code committed on or after January 1, 2011  
19 (the effective date of Public Act 96-1230).

20 The Director shall not award good conduct credit for  
21 meritorious service under this paragraph (3) to an inmate  
22 unless the inmate has served a minimum of 60 days of the  
23 sentence; except nothing in this paragraph shall be  
24 construed to permit the Director to extend an inmate's  
25 sentence beyond that which was imposed by the court. Prior  
26 to awarding credit under this paragraph (3), the Director

1 shall make a written determination that the inmate:

2 (A) is eligible for good conduct credit for  
3 meritorious service;

4 (B) has served a minimum of 60 days, or as close to  
5 60 days as the sentence will allow; and

6 (C) has met the eligibility criteria established  
7 by rule.

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

10 (4) The rules and regulations shall also provide that  
11 the good conduct credit accumulated and retained under  
12 paragraph (2.1) of subsection (a) of this Section by any  
13 inmate during specific periods of time in which such inmate  
14 is engaged full-time in substance abuse programs,  
15 correctional industry assignments, or educational programs  
16 provided by the Department under this paragraph (4) and  
17 satisfactorily completes the assigned program as  
18 determined by the standards of the Department, shall be  
19 multiplied by a factor of 1.25 for program participation  
20 before August 11, 1993 and 1.50 for program participation  
21 on or after that date. However, no inmate shall be eligible  
22 for the additional good conduct credit under this paragraph  
23 (4) or (4.1) of this subsection (a) while assigned to a  
24 boot camp or electronic detention, or if convicted of an  
25 offense enumerated in subdivision (a)(2)(i), (ii), or  
26 (iii) of this Section that is committed on or after June

1 19, 1998 or subdivision (a) (2) (iv) of this Section that is  
2 committed on or after June 23, 2005 (the effective date of  
3 Public Act 94-71) or subdivision (a) (2) (v) of this Section  
4 that is committed on or after August 13, 2007 (the  
5 effective date of Public Act 95-134) or subdivision  
6 (a) (2) (vi) when the offense is committed on or after June  
7 1, 2008 (the effective date of Public Act 95-625) or  
8 subdivision (a) (2) (vii) when the offense is committed on or  
9 after July 23, 2010 (the effective date of Public Act  
10 96-1224), or if convicted of aggravated driving under the  
11 influence of alcohol, other drug or drugs, or intoxicating  
12 compound or compounds or any combination thereof as defined  
13 in subparagraph (F) of paragraph (1) of subsection (d) of  
14 Section 11-501 of the Illinois Vehicle Code, or if  
15 convicted of aggravated driving under the influence of  
16 alcohol, other drug or drugs, or intoxicating compound or  
17 compounds or any combination thereof as defined in  
18 subparagraph (C) of paragraph (1) of subsection (d) of  
19 Section 11-501 of the Illinois Vehicle Code committed on or  
20 after January 1, 2011 (the effective date of Public Act  
21 96-1230), or if convicted of an offense enumerated in  
22 paragraph (a) (2.4) of this Section that is committed on or  
23 after July 15, 1999 (the effective date of Public Act  
24 91-121), or first degree murder, a Class X felony, criminal  
25 sexual assault, felony criminal sexual abuse, aggravated  
26 criminal sexual abuse, aggravated battery with a firearm as

1 described in Section 12-4.2 or subdivision (e) (1), (e) (2),  
2 (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or  
3 successor offenses with the same or substantially the same  
4 elements, or any inchoate offenses relating to the  
5 foregoing offenses. No inmate shall be eligible for the  
6 additional good conduct credit under this paragraph (4) who  
7 (i) has previously received increased good conduct credit  
8 under this paragraph (4) and has subsequently been  
9 convicted of a felony, or (ii) has previously served more  
10 than one prior sentence of imprisonment for a felony in an  
11 adult correctional facility.

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

21 Availability of these programs shall be subject to the  
22 limits of fiscal resources appropriated by the General  
23 Assembly for these purposes. Eligible inmates who are  
24 denied immediate admission shall be placed on a waiting  
25 list under criteria established by the Department. The  
26 inability of any inmate to become engaged in any such

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

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

23 (4.5) The rules and regulations on early release shall  
24 also provide that when the court's sentencing order  
25 recommends a prisoner for substance abuse treatment and the  
26 crime was committed on or after September 1, 2003 (the

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

25 (4.6) The rules and regulations on early release shall  
26 also provide that a prisoner who has been convicted of a

1 sex offense as defined in Section 2 of the Sex Offender  
2 Registration Act shall receive no good conduct credit  
3 unless he or she either has successfully completed or is  
4 participating in sex offender treatment as defined by the  
5 Sex Offender Management Board. However, prisoners who are  
6 waiting to receive such treatment, but who are unable to do  
7 so due solely to the lack of resources on the part of the  
8 Department, may, at the Director's sole discretion, be  
9 awarded good conduct credit at such rate as the Director  
10 shall determine.

11 (5) Whenever the Department is to release any inmate  
12 earlier than it otherwise would because of a grant of good  
13 conduct credit for meritorious service given at any time  
14 during the term, the Department shall give reasonable  
15 notice of the impending release not less than 14 days prior  
16 to the date of the release to the State's Attorney of the  
17 county where the prosecution of the inmate took place, and  
18 if applicable, the State's Attorney of the county into  
19 which the inmate will be released. The Department must also  
20 make identification information and a recent photo of the  
21 inmate being released accessible on the Internet by means  
22 of a hyperlink labeled "Community Notification of Inmate  
23 Early Release" on the Department's World Wide Web homepage.  
24 The identification information shall include the inmate's:  
25 name, any known alias, date of birth, physical  
26 characteristics, residence address, commitment offense and



1 county where conviction was imposed. The identification  
2 information shall be placed on the website within 3 days of  
3 the inmate's release and the information may not be removed  
4 until either: completion of the first year of mandatory  
5 supervised release or return of the inmate to custody of  
6 the Department.

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

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

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

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

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

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

22 (d) If a lawsuit is filed by a prisoner in an Illinois or  
23 federal court against the State, the Department of Corrections,  
24 or the Prisoner Review Board, or against any of their officers  
25 or employees, and the court makes a specific finding that a  
26 pleading, motion, or other paper filed by the prisoner is

1 frivolous, the Department of Corrections shall conduct a  
2 hearing to revoke up to 180 days of good conduct credit by  
3 bringing charges against the prisoner sought to be deprived of  
4 the good conduct credits before the Prisoner Review Board as  
5 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.  
6 If the prisoner has not accumulated 180 days of good conduct  
7 credit at the time of the finding, then the Prisoner Review  
8 Board may revoke all good conduct credit accumulated by the  
9 prisoner.

10 For purposes of this subsection (d):

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

15 (A) it lacks an arguable basis either in law or in  
16 fact;

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

20 (C) the claims, defenses, and other legal  
21 contentions therein are not warranted by existing law  
22 or by a nonfrivolous argument for the extension,  
23 modification, or reversal of existing law or the  
24 establishment of new law;

25 (D) the allegations and other factual contentions  
26 do not have evidentiary support or, if specifically so

1 identified, are not likely to have evidentiary support  
2 after a reasonable opportunity for further  
3 investigation or discovery; or

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

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

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

21 (f) Whenever the Department is to release any inmate who  
22 has been convicted of a violation of an order of protection  
23 under Section 12-3.4 or 12-30 of the Criminal Code of 1961,  
24 earlier than it otherwise would because of a grant of good  
25 conduct credit, the Department, as a condition of such early  
26 release, shall require that the person, upon release, be placed

1 under electronic surveillance as provided in Section 5-8A-7 of  
2 this Code.

3 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;  
4 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
5 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.  
6 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,  
7 eff. 7-23-10; 96-1230, eff. 1-1-11; 96-1551, eff. 7-1-11;  
8 97-333, eff. 8-12-11.)

9 Section 99. Effective date. This Act takes effect January  
10 1, 2013.