

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 2. The Criminal Code of 1961 is amended by
5 changing Section 18-5 as follows:

6 (720 ILCS 5/18-5)

7 Sec. 18-5. Aggravated robbery.

8 (a) A person commits aggravated robbery when he or she
9 takes property from the person or presence of another by the
10 use of force or by threatening the imminent use of force
11 while falsely indicating verbally or by his or her actions to
12 the victim that he or she is presently armed with a firearm
13 or other dangerous weapon, including a knife, club, ax, or
14 bludgeon. ~~This offense shall be applicable even though it is
15 later determined that he or she had no firearm or other
16 dangerous weapon, including a knife, club, ax, or bludgeon,
17 in his or her possession when he or she committed the
18 robbery.~~

19 (a-5) A person commits aggravated robbery when he or she
20 takes property from the person or presence of another by
21 delivering (by injection, inhalation, ingestion, transfer of
22 possession, or any other means) to the victim without his or
23 her consent, or by threat or deception, and for other than
24 medical purposes, any controlled substance.

25 (b) Sentence. Aggravated robbery is a Class 1 felony.
26 (Source: P.A. 90-593, eff. 1-1-99; 90-735, eff. 8-11-98;
27 91-357, eff. 7-29-99.)

28 Section 5. The Unified Code of Corrections is amended by
29 changing Sections 3-6-3 and 5-4-1 as follows:

1 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
2 Sec. 3-6-3. Rules and Regulations for Early Release.

3 (a) (1) The Department of Corrections shall
4 prescribe rules and regulations for the early release on
5 account of good conduct of persons committed to the
6 Department which shall be subject to review by the
7 Prisoner Review Board.

8 (2) The rules and regulations on early release
9 shall provide, with respect to offenses committed on or
10 after June 19, 1998, the following:

11 (i) that a prisoner who is serving a term of
12 imprisonment for first degree murder shall receive
13 no good conduct credit and shall serve the entire
14 sentence imposed by the court;

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

27 (iii) that a prisoner serving a sentence for
28 home invasion, armed robbery, aggravated vehicular
29 hijacking, aggravated discharge of a firearm, or
30 armed violence with a category I weapon or category
31 II weapon, when the court has made and entered a
32 finding, pursuant to subsection (c-1) of Section
33 5-4-1 of this Code, that the conduct leading to
34 conviction for the enumerated offense resulted in

1 great bodily harm to a victim, shall receive no more
2 than 4.5 days of good conduct credit for each month
3 of his or her sentence of imprisonment.

4 (2.1) For all offenses, other than those enumerated
5 in subdivision (a)(2) committed on or after June 19,
6 1998, and other than the offense of reckless homicide as
7 defined in subsection (e) of Section 9-3 of the Criminal
8 Code of 1961 committed on or after January 1, 1999, the
9 rules and regulations shall provide that a prisoner who
10 is serving a term of imprisonment shall receive one day
11 of good conduct credit for each day of his or her
12 sentence of imprisonment or recommitment under Section
13 3-3-9. Each day of good conduct credit shall reduce by
14 one day the prisoner's period of imprisonment or
15 recommitment under Section 3-3-9.

16 (2.2) A prisoner serving a term of natural life
17 imprisonment or a prisoner who has been sentenced to
18 death shall receive no good conduct credit.

19 (2.3) The rules and regulations on early release
20 shall provide that a prisoner who is serving a sentence
21 for reckless homicide as defined in subsection (e) of
22 Section 9-3 of the Criminal Code of 1961 committed on or
23 after January 1, 1999 shall receive no more than 4.5 days
24 of good conduct credit for each month of his or her
25 sentence of imprisonment.

26 (2.4) The rules and regulations on early release
27 shall provide with respect to the offenses of aggravated
28 battery with a machine gun or a firearm equipped with any
29 device or attachment designed or used for silencing the
30 report of a firearm or aggravated discharge of a machine
31 gun or a firearm equipped with any device or attachment
32 designed or used for silencing the report of a firearm,
33 committed on or after the effective date of this
34 amendatory Act of 1999, that a prisoner serving a

1 sentence for any of these offenses shall receive no more
2 than 4.5 days of good conduct credit for each month of
3 his or her sentence of imprisonment.

4 (2.5) The rules and regulations on early release
5 shall provide that a prisoner who is serving a sentence
6 for aggravated arson committed on or after the effective
7 date of this amendatory Act of the 92nd General Assembly
8 shall receive no more than 4.5 days of good conduct
9 credit for each month of his or her sentence of
10 imprisonment.

11 (2.6) The rules and regulations on early release
12 shall provide that a prisoner who is serving a sentence
13 for cannabis trafficking under Section 5.1 of the
14 Cannabis Control Act or controlled substance trafficking
15 under Section 401.1 of the Illinois Controlled Substances
16 Act, if the offense was committed on or after the
17 effective date of this amendatory Act of the 92nd General
18 Assembly shall receive no more than 4.5 days of good
19 conduct credit for each month of his or her sentence of
20 imprisonment.

21 (3) The rules and regulations shall also provide
22 that the Director may award up to 180 days additional
23 good conduct credit for meritorious service in specific
24 instances as the Director deems proper; except that no
25 more than 90 days of good conduct credit for meritorious
26 service shall be awarded to any prisoner who is serving a
27 sentence for conviction of first degree murder, reckless
28 homicide while under the influence of alcohol or any
29 other drug, aggravated kidnapping, kidnapping, predatory
30 criminal sexual assault of a child, aggravated criminal
31 sexual assault, criminal sexual assault, deviate sexual
32 assault, aggravated criminal sexual abuse, aggravated
33 indecent liberties with a child, indecent liberties with
34 a child, child pornography, heinous battery, aggravated

1 battery of a spouse, aggravated battery of a spouse with
2 a firearm, stalking, aggravated stalking, aggravated
3 battery of a child, endangering the life or health of a
4 child, cruelty to a child, or narcotic racketeering.
5 Notwithstanding the foregoing, good conduct credit for
6 meritorious service shall not be awarded on a sentence of
7 imprisonment imposed for conviction of: (i) one of the
8 offenses enumerated in subdivision (a)(2) when the
9 offense is committed on or after June 19, 1998, (ii)
10 reckless homicide as defined in subsection (e) of Section
11 9-3 of the Criminal Code of 1961 when the offense is
12 committed on or after January 1, 1999, (iii) one of the
13 offenses enumerated in subdivision (a)(2.4) when the
14 offense is committed on or after the effective date of
15 this amendatory Act of 1999, ~~or~~ (iv) aggravated arson
16 when the offense is committed on or after the effective
17 date of this amendatory Act of the 92nd General Assembly,
18 or (v) one of the offenses enumerated in subdivision
19 (a)(2.6) when the offense is committed on or after the
20 effective date of this amendatory Act of the 92nd General
21 Assembly.

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

1 credit under this paragraph (4) while assigned to a boot
2 camp, mental health unit, or electronic detention, or if
3 convicted of an offense enumerated in paragraph (a)(2) of
4 this Section that is committed on or after June 19, 1998,
5 or if convicted of reckless homicide as defined in
6 subsection (e) of Section 9-3 of the Criminal Code of
7 1961 if the offense is committed on or after January 1,
8 1999, or if convicted of an offense enumerated in
9 paragraph (a)(2.4) of this Section that is committed on
10 or after the effective date of this amendatory Act of
11 1999, or if convicted of reckless homicide as defined in
12 subsection (e-5) of Section 9-3 of the Criminal Code of
13 1961 if the offense is committed on or after the
14 effective date of this amendatory Act of the 92nd General
15 Assembly, or if convicted of an offense enumerated in
16 paragraph (a)(2.6) of this Section that is committed on
17 or after the effective date of this amendatory Act of the
18 92nd General Assembly, or first degree murder, a Class X
19 felony, criminal sexual assault, felony criminal sexual
20 abuse, aggravated criminal sexual abuse, aggravated
21 battery with a firearm, or any predecessor or successor
22 offenses with the same or substantially the same
23 elements, or any inchoate offenses relating to the
24 foregoing offenses. No inmate shall be eligible for the
25 additional good conduct credit under this paragraph (4)
26 who (i) has previously received increased good conduct
27 credit under this paragraph (4) and has subsequently been
28 convicted of a felony, or (ii) has previously served more
29 than one prior sentence of imprisonment for a felony in
30 an adult correctional facility.

31 Educational, vocational, substance abuse and
32 correctional industry programs under which good conduct
33 credit may be increased under this paragraph (4) shall be
34 evaluated by the Department on the basis of documented

1 standards. The Department shall report the results of
2 these evaluations to the Governor and the General
3 Assembly by September 30th of each year. The reports
4 shall include data relating to the recidivism rate among
5 program participants.

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

18 (5) Whenever the Department is to release any
19 inmate earlier than it otherwise would because of a grant
20 of good conduct credit for meritorious service given at
21 any time during the term, the Department shall give
22 reasonable advance notice of the impending release to the
23 State's Attorney of the county where the prosecution of
24 the inmate took place.

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

29 (c) The Department shall prescribe rules and regulations
30 for revoking good conduct credit, or suspending or reducing
31 the rate of accumulation of good conduct credit for specific
32 rule violations, during imprisonment. These rules and
33 regulations shall provide that no inmate may be penalized
34 more than one year of good conduct credit for any one

1 infraction.

2 When the Department seeks to revoke, suspend or reduce
3 the rate of accumulation of any good conduct credits for an
4 alleged infraction of its rules, it shall bring charges
5 therefor against the prisoner sought to be so deprived of
6 good conduct credits before the Prisoner Review Board as
7 provided in subparagraph (a)(4) of Section 3-3-2 of this
8 Code, if the amount of credit at issue exceeds 30 days or
9 when during any 12 month period, the cumulative amount of
10 credit revoked exceeds 30 days except where the infraction is
11 committed or discovered within 60 days of scheduled release.
12 In those cases, the Department of Corrections may revoke up
13 to 30 days of good conduct credit. The Board may subsequently
14 approve the revocation of additional good conduct credit, if
15 the Department seeks to revoke good conduct credit in excess
16 of 30 days. However, the Board shall not be empowered to
17 review the Department's decision with respect to the loss of
18 30 days of good conduct credit within any calendar year for
19 any prisoner or to increase any penalty beyond the length
20 requested by the Department.

21 The Director of the Department of Corrections, in
22 appropriate cases, may restore up to 30 days good conduct
23 credits which have been revoked, suspended or reduced. Any
24 restoration of good conduct credits in excess of 30 days
25 shall be subject to review by the Prisoner Review Board.
26 However, the Board may not restore good conduct credit in
27 excess of the amount requested by the Director.

28 Nothing contained in this Section shall prohibit the
29 Prisoner Review Board from ordering, pursuant to Section
30 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of
31 the sentence imposed by the court that was not served due to
32 the accumulation of good conduct credit.

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

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

13 For purposes of this subsection (d):

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

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

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

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

29 (D) the allegations and other factual
30 contentions do not have evidentiary support or, if
31 specifically so identified, are not likely to have
32 evidentiary support after a reasonable opportunity
33 for further investigation or discovery; or

34 (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
6 Procedure of 1963, a motion pursuant to Section 116-3 of
7 the Code of Criminal Procedure of 1963, a habeas corpus
8 action under Article X of the Code of Civil Procedure or
9 under federal law (28 U.S.C. 2254), a petition for claim
10 under the Court of Claims Act or an action under the
11 federal Civil Rights Act (42 U.S.C. 1983).

12 (e) Nothing in this amendatory Act of 1998 affects the
13 validity of Public Act 89-404.

14 (Source: P.A. 91-121, eff. 7-15-99; 91-357, eff. 7-29-99;
15 92-176, eff. 7-27-01.)

16 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

17 Sec. 5-4-1. Sentencing Hearing.

18 (a) Except when the death penalty is sought under
19 hearing procedures otherwise specified, after a determination
20 of guilt, a hearing shall be held to impose the sentence.
21 However, prior to the imposition of sentence on an individual
22 being sentenced for an offense based upon a charge for a
23 violation of Section 11-501 of the Illinois Vehicle Code or a
24 similar provision of a local ordinance, the individual must
25 undergo a professional evaluation to determine if an alcohol
26 or other drug abuse problem exists and the extent of such a
27 problem. Programs conducting these evaluations shall be
28 licensed by the Department of Human Services. However, if
29 the individual is not a resident of Illinois, the court may,
30 in its discretion, accept an evaluation from a program in the
31 state of such individual's residence. The court may in its
32 sentencing order approve an eligible defendant for placement
33 in a Department of Corrections impact incarceration program

1 as provided in Section 5-8-1.1. At the hearing the court
2 shall:

3 (1) consider the evidence, if any, received upon
4 the trial;

5 (2) consider any presentence reports;

6 (3) consider the financial impact of incarceration
7 based on the financial impact statement filed with the
8 clerk of the court by the Department of Corrections;

9 (4) consider evidence and information offered by
10 the parties in aggravation and mitigation;

11 (5) hear arguments as to sentencing alternatives;

12 (6) afford the defendant the opportunity to make a
13 statement in his own behalf;

14 (7) afford the victim of a violent crime or a
15 violation of Section 11-501 of the Illinois Vehicle Code,
16 or a similar provision of a local ordinance, or a
17 qualified individual affected by a violation of Section
18 405, 405.1, 405.2, or 407 of the Illinois Controlled
19 Substances Act, committed by the defendant the
20 opportunity to make a statement concerning the impact on
21 the victim and to offer evidence in aggravation or
22 mitigation; provided that the statement and evidence
23 offered in aggravation or mitigation must first be
24 prepared in writing in conjunction with the State's
25 Attorney before it may be presented orally at the
26 hearing. Any sworn testimony offered by the victim is
27 subject to the defendant's right to cross-examine. All
28 statements and evidence offered under this paragraph (7)
29 shall become part of the record of the court. For the
30 purpose of this paragraph (7), "qualified individual"
31 means any person who (i) lived or worked within the
32 territorial jurisdiction where the offense took place
33 when the offense took place; and (ii) is familiar with
34 various public places within the territorial jurisdiction

1 where the offense took place when the offense took place.
2 For the purposes of this paragraph (7), "qualified
3 individual" includes any peace officer, or any member of
4 any duly organized State, county, or municipal peace unit
5 assigned to the territorial jurisdiction where the
6 offense took place when the offense took place; and

7 (8) in cases of reckless homicide afford the
8 victim's spouse, guardians, parents or other immediate
9 family members an opportunity to make oral statements.

10 (b) All sentences shall be imposed by the judge based
11 upon his independent assessment of the elements specified
12 above and any agreement as to sentence reached by the
13 parties. The judge who presided at the trial or the judge
14 who accepted the plea of guilty shall impose the sentence
15 unless he is no longer sitting as a judge in that court.
16 Where the judge does not impose sentence at the same time on
17 all defendants who are convicted as a result of being
18 involved in the same offense, the defendant or the State's
19 Attorney may advise the sentencing court of the disposition
20 of any other defendants who have been sentenced.

21 (c) In imposing a sentence for a violent crime or for an
22 offense of operating or being in physical control of a
23 vehicle while under the influence of alcohol, any other drug
24 or any combination thereof, or a similar provision of a local
25 ordinance, when such offense resulted in the personal injury
26 to someone other than the defendant, the trial judge shall
27 specify on the record the particular evidence, information,
28 factors in mitigation and aggravation or other reasons that
29 led to his sentencing determination. The full verbatim record
30 of the sentencing hearing shall be filed with the clerk of
31 the court and shall be a public record.

32 (c-1) In imposing a sentence for the offense of
33 aggravated kidnapping for ransom, home invasion, armed
34 robbery, aggravated vehicular hijacking, aggravated discharge

1 of a firearm, or armed violence with a category I weapon or
2 category II weapon, the trial judge shall make a finding as
3 to whether the conduct leading to conviction for the offense
4 resulted in great bodily harm to a victim, and shall enter
5 that finding and the basis for that finding in the record.

6 (c-2) If the defendant is sentenced to prison, other
7 than when a sentence of natural life imprisonment or a
8 sentence of death is imposed, at the time the sentence is
9 imposed the judge shall state on the record in open court the
10 approximate period of time the defendant will serve in
11 custody according to the then current statutory rules and
12 regulations for early release found in Section 3-6-3 and
13 other related provisions of this Code. This statement is
14 intended solely to inform the public, has no legal effect on
15 the defendant's actual release, and may not be relied on by
16 the defendant on appeal.

17 The judge's statement, to be given after pronouncing the
18 sentence, other than when the sentence is imposed for one of
19 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,
20 shall include the following:

21 "The purpose of this statement is to inform the public of
22 the actual period of time this defendant is likely to spend
23 in prison as a result of this sentence. The actual period of
24 prison time served is determined by the statutes of Illinois
25 as applied to this sentence by the Illinois Department of
26 Corrections and the Illinois Prisoner Review Board. In this
27 case, assuming the defendant receives all of his or her good
28 conduct credit, the period of estimated actual custody is ...
29 years and ... months, less up to 180 days additional good
30 conduct credit for meritorious service. If the defendant,
31 because of his or her own misconduct or failure to comply
32 with the institutional regulations, does not receive those
33 credits, the actual time served in prison will be longer.
34 The defendant may also receive an additional one-half day

1 good conduct credit for each day of participation in
2 vocational, industry, substance abuse, and educational
3 programs as provided for by Illinois statute."

4 When the sentence is imposed for one of the offenses
5 enumerated in paragraph (a)(3) of Section 3-6-3, other than
6 when the sentence is imposed for one of the offenses
7 enumerated in paragraph (a)(2) of Section 3-6-3 committed on
8 or after June 19, 1998, and other than when the sentence is
9 imposed for reckless homicide as defined in subsection (e) of
10 Section 9-3 of the Criminal Code of 1961 if the offense was
11 committed on or after January 1, 1999, and other than when
12 the sentence is imposed for aggravated arson if the offense
13 was committed on or after the effective date of this
14 amendatory Act of the 92nd General Assembly, and other than
15 when the sentence is imposed for one of the offenses
16 enumerated in paragraph (a)(2.6) of Section 3-6-3 committed
17 on or after the effective date of this amendatory Act of the
18 92nd General Assembly, the judge's statement, to be given
19 after pronouncing the sentence, shall include the following:

20 "The purpose of this statement is to inform the public of
21 the actual period of time this defendant is likely to spend
22 in prison as a result of this sentence. The actual period of
23 prison time served is determined by the statutes of Illinois
24 as applied to this sentence by the Illinois Department of
25 Corrections and the Illinois Prisoner Review Board. In this
26 case, assuming the defendant receives all of his or her good
27 conduct credit, the period of estimated actual custody is ...
28 years and ... months, less up to 90 days additional good
29 conduct credit for meritorious service. If the defendant,
30 because of his or her own misconduct or failure to comply
31 with the institutional regulations, does not receive those
32 credits, the actual time served in prison will be longer.
33 The defendant may also receive an additional one-half day
34 good conduct credit for each day of participation in

1 vocational, industry, substance abuse, and educational
2 programs as provided for by Illinois statute."

3 When the sentence is imposed for one of the offenses
4 enumerated in paragraph (a)(2) of Section 3-6-3, other than
5 first degree murder, and the offense was committed on or
6 after June 19, 1998, and when the sentence is imposed for
7 reckless homicide as defined in subsection (e) of Section 9-3
8 of the Criminal Code of 1961 if the offense was committed on
9 or after January 1, 1999, and when the sentence is imposed
10 for aggravated arson if the offense was committed on or after
11 the effective date of this amendatory Act of the 92nd General
12 Assembly, and when the sentence is imposed for one of the
13 offenses enumerated in paragraph (a)(2.6) of Section 3-6-3 of
14 this Code committed on or after the effective date of this
15 amendatory Act of the 92nd General Assembly, the judge's
16 statement, to be given after pronouncing the sentence, shall
17 include the following:

18 "The purpose of this statement is to inform the public of
19 the actual period of time this defendant is likely to spend
20 in prison as a result of this sentence. The actual period of
21 prison time served is determined by the statutes of Illinois
22 as applied to this sentence by the Illinois Department of
23 Corrections and the Illinois Prisoner Review Board. In this
24 case, the defendant is entitled to no more than 4 1/2 days of
25 good conduct credit for each month of his or her sentence of
26 imprisonment. Therefore, this defendant will serve at least
27 85% of his or her sentence. Assuming the defendant receives
28 4 1/2 days credit for each month of his or her sentence, the
29 period of estimated actual custody is ... years and ...
30 months. If the defendant, because of his or her own
31 misconduct or failure to comply with the institutional
32 regulations receives lesser credit, the actual time served in
33 prison will be longer."

34 When a sentence of imprisonment is imposed for first

1 degree murder and the offense was committed on or after June
2 19, 1998, the judge's statement, to be given after
3 pronouncing the sentence, shall include the following:

4 "The purpose of this statement is to inform the public of
5 the actual period of time this defendant is likely to spend
6 in prison as a result of this sentence. The actual period of
7 prison time served is determined by the statutes of Illinois
8 as applied to this sentence by the Illinois Department of
9 Corrections and the Illinois Prisoner Review Board. In this
10 case, the defendant is not entitled to good conduct credit.
11 Therefore, this defendant will serve 100% of his or her
12 sentence."

13 (d) When the defendant is committed to the Department of
14 Corrections, the State's Attorney shall and counsel for the
15 defendant may file a statement with the clerk of the court to
16 be transmitted to the department, agency or institution to
17 which the defendant is committed to furnish such department,
18 agency or institution with the facts and circumstances of the
19 offense for which the person was committed together with all
20 other factual information accessible to them in regard to the
21 person prior to his commitment relative to his habits,
22 associates, disposition and reputation and any other facts
23 and circumstances which may aid such department, agency or
24 institution during its custody of such person. The clerk
25 shall within 10 days after receiving any such statements
26 transmit a copy to such department, agency or institution and
27 a copy to the other party, provided, however, that this shall
28 not be cause for delay in conveying the person to the
29 department, agency or institution to which he has been
30 committed.

31 (e) The clerk of the court shall transmit to the
32 department, agency or institution, if any, to which the
33 defendant is committed, the following:

34 (1) the sentence imposed;

1 (2) any statement by the court of the basis for
2 imposing the sentence;

3 (3) any presentence reports;

4 (4) the number of days, if any, which the defendant
5 has been in custody and for which he is entitled to
6 credit against the sentence, which information shall be
7 provided to the clerk by the sheriff;

8 (4.1) any finding of great bodily harm made by the
9 court with respect to an offense enumerated in subsection
10 (c-1);

11 (5) all statements filed under subsection (d) of
12 this Section;

13 (6) any medical or mental health records or
14 summaries of the defendant;

15 (7) the municipality where the arrest of the
16 offender or the commission of the offense has occurred,
17 where such municipality has a population of more than
18 25,000 persons;

19 (8) all statements made and evidence offered under
20 paragraph (7) of subsection (a) of this Section; and

21 (9) all additional matters which the court directs
22 the clerk to transmit.

23 (Source: P.A. 91-357, eff. 7-29-99; 91-899, eff. 1-1-01;
24 92-176, eff. 7-27-01.)

25 Section 99. Effective date. This Section and Section 2
26 take effect upon becoming law.