

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
9 prescribe rules and regulations for the early release on
10 account of good conduct of persons committed to the
11 Department which shall be subject to review by the
12 Prisoner Review Board.

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

16 (i) that a prisoner who is serving a term of
17 imprisonment for first degree murder shall receive
18 no good conduct credit and shall serve the entire
19 sentence imposed by the court;

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

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

12 (iv) that a prisoner who is serving a sentence
13 for a crime committed as a result of the use of,
14 abuse of, or addiction to alcohol or a controlled
15 substance shall receive no good conduct credit until
16 he or she participates in and completes a substance
17 abuse treatment program that is approved by the
18 Department.

19 (2.1) For all offenses, other than those enumerated
20 in subdivision (a)(2) committed on or after June 19,
21 1998, and other than the offense of reckless homicide as
22 defined in subsection (e) of Section 9-3 of the Criminal
23 Code of 1961 committed on or after January 1, 1999, the
24 rules and regulations shall provide that a prisoner who
25 is serving a term of imprisonment shall receive one day
26 of good conduct credit for each day of his or her
27 sentence of imprisonment or recommitment under Section
28 3-3-9. Each day of good conduct credit shall reduce by
29 one day the prisoner's period of imprisonment or
30 recommitment under Section 3-3-9.

31 (2.2) A prisoner serving a term of natural life
32 imprisonment or a prisoner who has been sentenced to
33 death shall receive no good conduct credit.

34 (2.3) The rules and regulations on early release

1 shall provide that a prisoner who is serving a sentence
2 for reckless homicide as defined in subsection (e) of
3 Section 9-3 of the Criminal Code of 1961 committed on or
4 after January 1, 1999 shall receive no more than 4.5 days
5 of good conduct credit for each month of his or her
6 sentence of imprisonment.

7 (2.4) The rules and regulations on early release
8 shall provide with respect to the offenses of aggravated
9 battery with a machine gun or a firearm equipped with any
10 device or attachment designed or used for silencing the
11 report of a firearm or aggravated discharge of a machine
12 gun or a firearm equipped with any device or attachment
13 designed or used for silencing the report of a firearm,
14 committed on or after the effective date of this
15 amendatory Act of 1999, that a prisoner serving a
16 sentence for any of these offenses shall receive no more
17 than 4.5 days of good conduct credit for each month of
18 his or her sentence of imprisonment.

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

1 battery of a child, endangering the life or health of a
2 child, cruelty to a child, or narcotic racketeering.
3 Notwithstanding the foregoing, good conduct credit for
4 meritorious service shall not be awarded on a sentence of
5 imprisonment imposed for conviction of: (i) one of the
6 offenses enumerated in subdivision (a)(2) when the
7 offense is committed on or after June 19, 1998, (ii)
8 reckless homicide as defined in subsection (e) of Section
9 9-3 of the Criminal Code of 1961 when the offense is
10 committed on or after January 1, 1999, or (iii) for
11 conviction of one of the offenses enumerated in
12 subdivision (a)(2.4) when the offense is committed on or
13 after the effective date of this amendatory Act of 1999.

14 (4) The rules and regulations shall also provide
15 that the good conduct credit accumulated and retained
16 under paragraph (2.1) of subsection (a) of this Section
17 by any inmate during specific periods of time in which
18 such inmate is engaged full-time in substance abuse
19 programs, correctional industry assignments, or
20 educational programs provided by the Department under
21 this paragraph (4) and satisfactorily completes the
22 assigned program as determined by the standards of the
23 Department, shall be multiplied by a factor of 1.25 for
24 program participation before August 11, 1993 and 1.50 for
25 program participation on or after that date. However, no
26 inmate shall be eligible for the additional good conduct
27 credit under this paragraph (4) while assigned to a boot
28 camp, mental health unit, or electronic detention, or if
29 convicted of an offense enumerated in paragraph (a)(2) of
30 this Section that is committed on or after June 19, 1998,
31 or if convicted of reckless homicide as defined in
32 subsection (e) of Section 9-3 of the Criminal Code of
33 1961 if the offense is committed on or after January 1,
34 1999, or if convicted of an offense enumerated in

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

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

25 Availability of these programs shall be subject to
26 the limits of fiscal resources appropriated by the
27 General Assembly for these purposes. Eligible inmates
28 who are denied immediate admission shall be placed on a
29 waiting list under criteria established by the
30 Department. The inability of any inmate to become
31 engaged in any such programs by reason of insufficient
32 program resources or for any other reason established
33 under the rules and regulations of the Department shall
34 not be deemed a cause of action under which the

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

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

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

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

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

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

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

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

18 (d) If a lawsuit is filed by a prisoner in an Illinois
19 or federal court against the State, the Department of
20 Corrections, or the Prisoner Review Board, or against any of
21 their officers or employees, and the court makes a specific
22 finding that a pleading, motion, or other paper filed by the
23 prisoner is frivolous, the Department of Corrections shall
24 conduct a hearing to revoke up to 180 days of good conduct
25 credit by bringing charges against the prisoner sought to be
26 deprived of the good conduct credits before the Prisoner
27 Review Board as provided in subparagraph (a)(8) of Section
28 3-3-2 of this Code. If the prisoner has not accumulated 180
29 days of good conduct credit at the time of the finding, then
30 the Prisoner Review Board may revoke all good conduct credit
31 accumulated by the prisoner.

32 For purposes of this subsection (d):

33 (1) "Frivolous" means that a pleading, motion, or
34 other filing which purports to be a legal document filed

1 by a prisoner in his or her lawsuit meets any or all of
2 the following criteria:

3 (A) it lacks an arguable basis either in law
4 or in fact;

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

9 (C) the claims, defenses, and other legal
10 contentions therein are not warranted by existing
11 law or by a nonfrivolous argument for the extension,
12 modification, or reversal of existing law or the
13 establishment of new law;

14 (D) the allegations and other factual
15 contentions do not have evidentiary support or, if
16 specifically so identified, are not likely to have
17 evidentiary support after a reasonable opportunity
18 for further investigation or discovery; or

19 (E) the denials of factual contentions are not
20 warranted on the evidence, or if specifically so
21 identified, are not reasonably based on a lack of
22 information or belief.

23 (2) "Lawsuit" means a petition for post-conviction
24 relief under Article 122 of the Code of Criminal
25 Procedure of 1963, a motion pursuant to Section 116-3 of
26 the Code of Criminal Procedure of 1963, a habeas corpus
27 action under Article X of the Code of Civil Procedure or
28 under federal law (28 U.S.C. 2254), a petition for claim
29 under the Court of Claims Act or an action under the
30 federal Civil Rights Act (42 U.S.C. 1983).

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

33 (Source: P.A. 90-141, eff. 1-1-98; 90-505, eff. 8-19-97;
34 90-592, eff. 6-19-98; 90-593, eff. 6-19-98; 90-655, eff.

1 7-30-98; 90-740, eff. 1-1-99; 91-121, eff. 7-15-99; 91-357,
2 eff. 7-29-99.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.