

1 AMENDMENT TO SENATE BILL 96

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 96, AS AMENDED, in  
3 Section 10, the introductory clause, by replacing "Section  
4 5-4-1" with "Sections 3-6-3 and 5-4-1"; and

5 in Section 10, below the introductory clause, by inserting  
6 the following:

7 "(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)  
8 Sec. 3-6-3. Rules and Regulations for Early Release.

9 (a) (1) The Department of Corrections shall  
10 prescribe rules and regulations for the early release on  
11 account of good conduct of persons committed to the  
12 Department which shall be subject to review by the  
13 Prisoner Review Board.

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

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

22 (ii) that a prisoner serving a sentence for

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

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

23 (2.1) For all offenses, other than those enumerated  
24 in subdivision (a)(2) committed on or after June 19,  
25 1998, and other than the offense of reckless homicide as  
26 defined in subsection (e) of Section 9-3 of the Criminal  
27 Code of 1961 committed on or after January 1, 1999, or  
28 aggravated driving under the influence of alcohol, other  
29 drug or drugs, or intoxicating compound or compounds, or  
30 any combination thereof as defined in subparagraph (F) of  
31 paragraph (1) of subsection (d) of Section 11-501 of the  
32 Illinois Vehicle Code, the rules and regulations shall  
33 provide that a prisoner who is serving a term of  
34 imprisonment shall receive one day of good conduct credit

1 for each day of his or her sentence of imprisonment or  
2 recommitment under Section 3-3-9. Each day of good  
3 conduct credit shall reduce by one day the prisoner's  
4 period of imprisonment or recommitment under Section  
5 3-3-9.

6 (2.2) A prisoner serving a term of natural life  
7 imprisonment or a prisoner who has been sentenced to  
8 death shall receive no good conduct credit.

9 (2.3) The rules and regulations on early release  
10 shall provide that a prisoner who is serving a sentence  
11 for reckless homicide as defined in subsection (e) of  
12 Section 9-3 of the Criminal Code of 1961 committed on or  
13 after January 1, 1999, or aggravated driving under the  
14 influence of alcohol, other drug or drugs, or  
15 intoxicating compound or compounds, or any combination  
16 thereof as defined in subparagraph (F) of paragraph (1)  
17 of subsection (d) of Section 11-501 of the Illinois  
18 Vehicle Code, 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 (2.4) The rules and regulations on early release  
22 shall provide with respect to the offenses of aggravated  
23 battery with a machine gun or a firearm equipped with any  
24 device or attachment designed or used for silencing the  
25 report of a firearm or aggravated discharge of a machine  
26 gun or a firearm equipped with any device or attachment  
27 designed or used for silencing the report of a firearm,  
28 committed on or after the effective date of this  
29 amendatory Act of 1999, that a prisoner serving a  
30 sentence for any of these offenses shall receive no more  
31 than 4.5 days of good conduct credit for each month of  
32 his or her sentence of imprisonment.

33 (2.5) The rules and regulations on early release  
34 shall provide that a prisoner who is serving a sentence

1 for aggravated arson committed on or after the effective  
2 date of this amendatory Act of the 92nd General Assembly  
3 shall receive no more than 4.5 days of good conduct  
4 credit for each month of his or her sentence of  
5 imprisonment.

6 (3) The rules and regulations shall also provide  
7 that the Director may award up to 180 days additional  
8 good conduct credit for meritorious service in specific  
9 instances as the Director deems proper; except that no  
10 more than 90 days of good conduct credit for meritorious  
11 service shall be awarded to any prisoner who is serving a  
12 sentence for conviction of first degree murder, reckless  
13 homicide while under the influence of alcohol or any  
14 other drug, or aggravated driving under the influence of  
15 alcohol, other drug or drugs, or intoxicating compound or  
16 compounds, or any combination thereof as defined in  
17 subparagraph (F) of paragraph (1) of subsection (d) of  
18 Section 11-501 of the Illinois Vehicle Code, aggravated  
19 kidnapping, kidnapping, predatory criminal sexual assault  
20 of a child, aggravated criminal sexual assault, criminal  
21 sexual assault, deviate sexual assault, aggravated  
22 criminal sexual abuse, aggravated indecent liberties with  
23 a child, indecent liberties with a child, child  
24 pornography, heinous battery, aggravated battery of a  
25 spouse, aggravated battery of a spouse with a firearm,  
26 stalking, aggravated stalking, aggravated battery of a  
27 child, endangering the life or health of a child, cruelty  
28 to a child, or narcotic racketeering. Notwithstanding  
29 the foregoing, good conduct credit for meritorious  
30 service shall not be awarded on a sentence of  
31 imprisonment imposed for conviction of: (i) one of the  
32 offenses enumerated in subdivision (a)(2) when the  
33 offense is committed on or after June 19, 1998, (ii)  
34 reckless homicide as defined in subsection (e) of Section

1 9-3 of the Criminal Code of 1961 when the offense is  
2 committed on or after January 1, 1999, or aggravated  
3 driving under the influence of alcohol, other drug or  
4 drugs, or intoxicating compound or compounds, or any  
5 combination thereof as defined in subparagraph (F) of  
6 paragraph (1) of subsection (d) of Section 11-501 of the  
7 Illinois Vehicle Code, (iii) one of the offenses  
8 enumerated in subdivision (a)(2.4) when the offense is  
9 committed on or after the effective date of this  
10 amendatory Act of 1999, or (iv) aggravated arson when the  
11 offense is committed on or after the effective date of  
12 this amendatory Act of the 92nd General Assembly.

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

1 compounds, or any combination thereof as defined in  
2 subparagraph (F) of paragraph (1) of subsection (d) of  
3 Section 11-501 of the Illinois Vehicle Code, or if  
4 convicted of an offense enumerated in paragraph (a)(2.4)  
5 of this Section that is committed on or after the  
6 effective date of this amendatory Act of 1999, or first  
7 degree murder, a Class X felony, criminal sexual assault,  
8 felony criminal sexual abuse, aggravated criminal sexual  
9 abuse, aggravated battery with a firearm, or any  
10 predecessor or successor offenses with the same or  
11 substantially the same elements, or any inchoate offenses  
12 relating to the foregoing offenses. No inmate shall be  
13 eligible for the additional good conduct credit under  
14 this paragraph (4) who (i) has previously received  
15 increased good conduct credit under this paragraph (4)  
16 and has subsequently been convicted of a felony, or (ii)  
17 has previously served more than one prior sentence of  
18 imprisonment for a felony in an adult correctional  
19 facility.

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

29 Availability of these programs shall be subject to  
30 the limits of fiscal resources appropriated by the  
31 General Assembly for these purposes. Eligible inmates  
32 who are denied immediate admission shall be placed on a  
33 waiting list under criteria established by the  
34 Department. The inability of any inmate to become engaged

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

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

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

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

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

1 In those cases, the Department of Corrections may revoke up  
2 to 30 days of good conduct credit. The Board may subsequently  
3 approve the revocation of additional good conduct credit, if  
4 the Department seeks to revoke good conduct credit in excess  
5 of 30 days. However, the Board shall not be empowered to  
6 review the Department's decision with respect to the loss of  
7 30 days of good conduct credit within any calendar year for  
8 any prisoner or to increase any penalty beyond the length  
9 requested by the 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  
14 shall be subject to review by the Prisoner Review Board.  
15 However, the Board may not restore good conduct credit in  
16 excess of the 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  
20 the sentence imposed by the court that was not served due to  
21 the accumulation of good conduct credit.

22 (d) If a lawsuit is filed by a prisoner in an Illinois  
23 or federal court against the State, the Department of  
24 Corrections, or the Prisoner Review Board, or against any of  
25 their officers or employees, and the court makes a specific  
26 finding that a pleading, motion, or other paper filed by the  
27 prisoner is frivolous, the Department of Corrections shall  
28 conduct a hearing to revoke up to 180 days of good conduct  
29 credit by bringing charges against the prisoner sought to be  
30 deprived of the good conduct credits before the Prisoner  
31 Review Board as provided in subparagraph (a)(8) of Section  
32 3-3-2 of this Code. If the prisoner has not accumulated 180  
33 days of good conduct credit at the time of the finding, then  
34 the Prisoner Review Board may revoke all good conduct credit



1 accumulated by the prisoner.

2 For purposes of this subsection (d):

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

7 (A) it lacks an arguable basis either in law  
8 or in fact;

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

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

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

23 (E) the denials of factual contentions are not  
24 warranted on the evidence, or if specifically so  
25 identified, are not reasonably based on a lack of  
26 information or belief.

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

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

3           (Source: P.A. 91-121, eff. 7-15-99; 91-357, eff. 7-29-99;  
4 92-176, eff. 7-27-01; 92-854, eff. 12-5-02.)".