



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB6881

by Rep. Annazette Collins

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-7

from Ch. 38, par. 1003-3-7

730 ILCS 5/3-6-3

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

Amends the Unified Code of Corrections. Provides that when a person on parole or mandatory supervised release is in compliance with all conditions of his or her parole or mandatory supervised release, the person shall receive a reduction of the period of his or her parole or mandatory supervised release of 90 days upon receiving a high school diploma during the period of his or her parole or mandatory supervised release. Provides that an additional 60 days of good conduct credit shall be awarded to any prisoner who receives a high school diploma while the prisoner is incarcerated. Effective immediately.

LRB096 22438 RLC 41668 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Unified Code of Corrections is amended by
5 changing Sections 3-3-7 and 3-6-3 as follows:

6 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

7 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
8 Release.

9 (a) The conditions of parole or mandatory supervised
10 release shall be such as the Prisoner Review Board deems
11 necessary to assist the subject in leading a law-abiding life.
12 The conditions of every parole and mandatory supervised release
13 are that the subject:

14 (1) not violate any criminal statute of any
15 jurisdiction during the parole or release term;

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) report to an agent of the Department of
19 Corrections;

20 (4) permit the agent to visit him or her at his or her
21 home, employment, or elsewhere to the extent necessary for
22 the agent to discharge his or her duties;

23 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory
2 supervised release;

3 (6) secure permission before visiting or writing a
4 committed person in an Illinois Department of Corrections
5 facility;

6 (7) report all arrests to an agent of the Department of
7 Corrections as soon as permitted by the arresting authority
8 but in no event later than 24 hours after release from
9 custody;

10 (7.5) if convicted of a sex offense as defined in the
11 Sex Offender Management Board Act, the individual shall
12 undergo and successfully complete sex offender treatment
13 conducted in conformance with the standards developed by
14 the Sex Offender Management Board Act by a treatment
15 provider approved by the Board;

16 (7.6) if convicted of a sex offense as defined in the
17 Sex Offender Management Board Act, refrain from residing at
18 the same address or in the same condominium unit or
19 apartment unit or in the same condominium complex or
20 apartment complex with another person he or she knows or
21 reasonably should know is a convicted sex offender or has
22 been placed on supervision for a sex offense; the
23 provisions of this paragraph do not apply to a person
24 convicted of a sex offense who is placed in a Department of
25 Corrections licensed transitional housing facility for sex
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed medical
3 facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after the effective date of this
7 amendatory Act of the 94th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term and if convicted for an offense of
12 criminal sexual assault, aggravated criminal sexual
13 assault, predatory criminal sexual assault of a child,
14 criminal sexual abuse, aggravated criminal sexual abuse,
15 or ritualized abuse of a child committed on or after August
16 11, 2009 (the effective date of Public Act 96-236) ~~this~~
17 ~~amendatory Act of the 96th General Assembly~~ when the victim
18 was under 18 years of age at the time of the commission of
19 the offense and the defendant used force or the threat of
20 force in the commission of the offense wear an approved
21 electronic monitoring device as defined in Section 5-8A-2
22 that has Global Positioning System (GPS) capability for the
23 duration of the person's parole, mandatory supervised
24 release term, or extended mandatory supervised release
25 term;

26 (7.8) if convicted for an offense committed on or after

1 the effective date of this amendatory Act of the 95th
2 General Assembly that would qualify the accused as a child
3 sex offender as defined in Section 11-9.3 or 11-9.4 of the
4 Criminal Code of 1961, refrain from communicating with or
5 contacting, by means of the Internet, a person who is not
6 related to the accused and whom the accused reasonably
7 believes to be under 18 years of age; for purposes of this
8 paragraph (7.8), "Internet" has the meaning ascribed to it
9 in Section 16J-5 of the Criminal Code of 1961; and a person
10 is not related to the accused if the person is not: (i) the
11 spouse, brother, or sister of the accused; (ii) a
12 descendant of the accused; (iii) a first or second cousin
13 of the accused; or (iv) a step-child or adopted child of
14 the accused;

15 (7.9) if convicted under Section 11-6, 11-20.1,
16 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
17 search of computers, PDAs, cellular phones, and other
18 devices under his or her control that are capable of
19 accessing the Internet or storing electronic files, in
20 order to confirm Internet protocol addresses reported in
21 accordance with the Sex Offender Registration Act and
22 compliance with conditions in this Act;

23 (7.10) if convicted for an offense that would qualify
24 the accused as a sex offender or sexual predator under the
25 Sex Offender Registration Act on or after the effective
26 date of this amendatory Act of the 95th General Assembly,

1 not possess prescription drugs for erectile dysfunction;

2 (7.11) if convicted for an offense under Section 11-6,
3 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal
4 Code of 1961, or any attempt to commit any of these
5 offenses, committed on or after June 1, 2009 (the effective
6 date of Public Act 95-983):

7 (i) not access or use a computer or any other
8 device with Internet capability without the prior
9 written approval of the Department;

10 (ii) submit to periodic unannounced examinations
11 of the offender's computer or any other device with
12 Internet capability by the offender's supervising
13 agent, a law enforcement officer, or assigned computer
14 or information technology specialist, including the
15 retrieval and copying of all data from the computer or
16 device and any internal or external peripherals and
17 removal of such information, equipment, or device to
18 conduct a more thorough inspection;

19 (iii) submit to the installation on the offender's
20 computer or device with Internet capability, at the
21 offender's expense, of one or more hardware or software
22 systems to monitor the Internet use; and

23 (iv) submit to any other appropriate restrictions
24 concerning the offender's use of or access to a
25 computer or any other device with Internet capability
26 imposed by the Board, the Department or the offender's

1 supervising agent;

2 (7.12) if convicted of a sex offense as defined in the
3 Sex Offender Registration Act committed on or after January
4 1, 2010 (the effective date of Public Act 96-262) ~~this~~
5 ~~amendatory Act of the 96th General Assembly~~, refrain from
6 accessing or using a social networking website as defined
7 in Section 16D-2 of the Criminal Code of 1961;

8 (7.13) ~~(7.12)~~ if convicted of a sex offense as defined
9 in Section 2 of the Sex Offender Registration Act committed
10 on or after January 1, 2010 (the effective date of Public
11 Act 96-362) ~~this amendatory Act of the 96th General~~
12 ~~Assembly~~ that requires the person to register as a sex
13 offender under that Act, may not knowingly use any computer
14 scrub software on any computer that the sex offender uses;

15 (8) obtain permission of an agent of the Department of
16 Corrections before leaving the State of Illinois;

17 (9) obtain permission of an agent of the Department of
18 Corrections before changing his or her residence or
19 employment;

20 (10) consent to a search of his or her person,
21 property, or residence under his or her control;

22 (11) refrain from the use or possession of narcotics or
23 other controlled substances in any form, or both, or any
24 paraphernalia related to those substances and submit to a
25 urinalysis test as instructed by a parole agent of the
26 Department of Corrections;

1 (12) not frequent places where controlled substances
2 are illegally sold, used, distributed, or administered;

3 (13) not knowingly associate with other persons on
4 parole or mandatory supervised release without prior
5 written permission of his or her parole agent and not
6 associate with persons who are members of an organized gang
7 as that term is defined in the Illinois Streetgang
8 Terrorism Omnibus Prevention Act;

9 (14) provide true and accurate information, as it
10 relates to his or her adjustment in the community while on
11 parole or mandatory supervised release or to his or her
12 conduct while incarcerated, in response to inquiries by his
13 or her parole agent or of the Department of Corrections;

14 (15) follow any specific instructions provided by the
15 parole agent that are consistent with furthering
16 conditions set and approved by the Prisoner Review Board or
17 by law, exclusive of placement on electronic detention, to
18 achieve the goals and objectives of his or her parole or
19 mandatory supervised release or to protect the public.
20 These instructions by the parole agent may be modified at
21 any time, as the agent deems appropriate;

22 (16) if convicted of a sex offense as defined in
23 subsection (a-5) of Section 3-1-2 of this Code, unless the
24 offender is a parent or guardian of the person under 18
25 years of age present in the home and no non-familial minors
26 are present, not participate in a holiday event involving

1 children under 18 years of age, such as distributing candy
2 or other items to children on Halloween, wearing a Santa
3 Claus costume on or preceding Christmas, being employed as
4 a department store Santa Claus, or wearing an Easter Bunny
5 costume on or preceding Easter; and

6 (17) if convicted of a violation of an order of
7 protection under Section 12-30 of the Criminal Code of
8 1961, be placed under electronic surveillance as provided
9 in Section 5-8A-7 of this Code.

10 (b) The Board may in addition to other conditions require
11 that the subject:

12 (1) work or pursue a course of study or vocational
13 training;

14 (2) undergo medical or psychiatric treatment, or
15 treatment for drug addiction or alcoholism;

16 (3) attend or reside in a facility established for the
17 instruction or residence of persons on probation or parole;

18 (4) support his dependents;

19 (5) (blank);

20 (6) (blank);

21 (7) comply with the terms and conditions of an order of
22 protection issued pursuant to the Illinois Domestic
23 Violence Act of 1986, enacted by the 84th General Assembly,
24 or an order of protection issued by the court of another
25 state, tribe, or United States territory;

26 (7.5) if convicted for an offense committed on or after

1 the effective date of this amendatory Act of the 95th
2 General Assembly that would qualify the accused as a child
3 sex offender as defined in Section 11-9.3 or 11-9.4 of the
4 Criminal Code of 1961, refrain from communicating with or
5 contacting, by means of the Internet, a person who is
6 related to the accused and whom the accused reasonably
7 believes to be under 18 years of age; for purposes of this
8 paragraph (7.5), "Internet" has the meaning ascribed to it
9 in Section 16J-5 of the Criminal Code of 1961; and a person
10 is related to the accused if the person is: (i) the spouse,
11 brother, or sister of the accused; (ii) a descendant of the
12 accused; (iii) a first or second cousin of the accused; or
13 (iv) a step-child or adopted child of the accused;

14 (7.6) if convicted for an offense committed on or after
15 June 1, 2009 (the effective date of Public Act 95-983) that
16 would qualify as a sex offense as defined in the Sex
17 Offender Registration Act:

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the Department;

21 (ii) submit to periodic unannounced examinations
22 of the offender's computer or any other device with
23 Internet capability by the offender's supervising
24 agent, a law enforcement officer, or assigned computer
25 or information technology specialist, including the
26 retrieval and copying of all data from the computer or

1 device and any internal or external peripherals and
2 removal of such information, equipment, or device to
3 conduct a more thorough inspection;

4 (iii) submit to the installation on the offender's
5 computer or device with Internet capability, at the
6 offender's expense, of one or more hardware or software
7 systems to monitor the Internet use; and

8 (iv) submit to any other appropriate restrictions
9 concerning the offender's use of or access to a
10 computer or any other device with Internet capability
11 imposed by the Board, the Department or the offender's
12 supervising agent; and

13 (8) in addition, if a minor:

14 (i) reside with his parents or in a foster home;

15 (ii) attend school;

16 (iii) attend a non-residential program for youth;

17 or

18 (iv) contribute to his own support at home or in a
19 foster home.

20 (b-1) In addition to the conditions set forth in
21 subsections (a) and (b), persons required to register as sex
22 offenders pursuant to the Sex Offender Registration Act, upon
23 release from the custody of the Illinois Department of
24 Corrections, may be required by the Board to comply with the
25 following specific conditions of release:

26 (1) reside only at a Department approved location;

1 (2) comply with all requirements of the Sex Offender
2 Registration Act;

3 (3) notify third parties of the risks that may be
4 occasioned by his or her criminal record;

5 (4) obtain the approval of an agent of the Department
6 of Corrections prior to accepting employment or pursuing a
7 course of study or vocational training and notify the
8 Department prior to any change in employment, study, or
9 training;

10 (5) not be employed or participate in any volunteer
11 activity that involves contact with children, except under
12 circumstances approved in advance and in writing by an
13 agent of the Department of Corrections;

14 (6) be electronically monitored for a minimum of 12
15 months from the date of release as determined by the Board;

16 (7) refrain from entering into a designated geographic
17 area except upon terms approved in advance by an agent of
18 the Department of Corrections. The terms may include
19 consideration of the purpose of the entry, the time of day,
20 and others accompanying the person;

21 (8) refrain from having any contact, including written
22 or oral communications, directly or indirectly, personally
23 or by telephone, letter, or through a third party with
24 certain specified persons including, but not limited to,
25 the victim or the victim's family without the prior written
26 approval of an agent of the Department of Corrections;

1 (9) refrain from all contact, directly or indirectly,
2 personally, by telephone, letter, or through a third party,
3 with minor children without prior identification and
4 approval of an agent of the Department of Corrections;

5 (10) neither possess or have under his or her control
6 any material that is sexually oriented, sexually
7 stimulating, or that shows male or female sex organs or any
8 pictures depicting children under 18 years of age nude or
9 any written or audio material describing sexual
10 intercourse or that depicts or alludes to sexual activity,
11 including but not limited to visual, auditory, telephonic,
12 or electronic media, or any matter obtained through access
13 to any computer or material linked to computer access use;

14 (11) not patronize any business providing sexually
15 stimulating or sexually oriented entertainment nor utilize
16 "900" or adult telephone numbers;

17 (12) not reside near, visit, or be in or about parks,
18 schools, day care centers, swimming pools, beaches,
19 theaters, or any other places where minor children
20 congregate without advance approval of an agent of the
21 Department of Corrections and immediately report any
22 incidental contact with minor children to the Department;

23 (13) not possess or have under his or her control
24 certain specified items of contraband related to the
25 incidence of sexually offending as determined by an agent
26 of the Department of Corrections;

1 (14) may be required to provide a written daily log of
2 activities if directed by an agent of the Department of
3 Corrections;

4 (15) comply with all other special conditions that the
5 Department may impose that restrict the person from
6 high-risk situations and limit access to potential
7 victims;

8 (16) take an annual polygraph exam;

9 (17) maintain a log of his or her travel; or

10 (18) obtain prior approval of his or her parole officer
11 before driving alone in a motor vehicle.

12 (c) The conditions under which the parole or mandatory
13 supervised release is to be served shall be communicated to the
14 person in writing prior to his release, and he shall sign the
15 same before release. A signed copy of these conditions,
16 including a copy of an order of protection where one had been
17 issued by the criminal court, shall be retained by the person
18 and another copy forwarded to the officer in charge of his
19 supervision.

20 (d) After a hearing under Section 3-3-9, the Prisoner
21 Review Board may modify or enlarge the conditions of parole or
22 mandatory supervised release.

23 (e) The Department shall inform all offenders committed to
24 the Department of the optional services available to them upon
25 release and shall assist inmates in availing themselves of such
26 optional services upon their release on a voluntary basis.

1 (f) When the subject is in compliance with all conditions
2 of his or her parole or mandatory supervised release, the
3 subject shall receive a reduction of the period of his or her
4 parole or mandatory supervised release of 90 days upon
5 receiving a high school diploma or passage of the high school
6 level Test of General Educational Development during the period
7 of his or her parole or mandatory supervised release. This
8 reduction in the period of a subject's term of parole or
9 mandatory supervised release shall be available only to
10 subjects who have not previously earned a high school diploma
11 or who have not previously passed the high school level Test of
12 General Educational Development.

13 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,
14 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,
15 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;
16 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;
17 revised 9-25-09.)

18 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

19 Sec. 3-6-3. Rules and Regulations for Early Release.

20 (a) (1) The Department of Corrections shall prescribe
21 rules and regulations for the early release on account of
22 good conduct of persons committed to the Department which
23 shall be subject to review by the Prisoner Review Board.

24 (2) The rules and regulations on early release shall
25 provide, with respect to offenses listed in clause (i),

1 (ii), or (iii) of this paragraph (2) committed on or after
2 June 19, 1998 or with respect to the offense listed in
3 clause (iv) of this paragraph (2) committed on or after
4 June 23, 2005 (the effective date of Public Act 94-71) or
5 with respect to offense listed in clause (vi) committed on
6 or after June 1, 2008 (the effective date of Public Act
7 95-625) or with respect to the offense of being an armed
8 habitual criminal committed on or after August 2, 2005 (the
9 effective date of Public Act 94-398) or with respect to the
10 offenses listed in clause (v) of this paragraph (2)
11 committed on or after August 13, 2007 (the effective date
12 of Public Act 95-134), the following:

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

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

1 credit for each month of his or her sentence of
2 imprisonment;

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

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

20 (v) that a person serving a sentence for
21 gunrunning, narcotics racketeering, controlled
22 substance trafficking, methamphetamine trafficking,
23 drug-induced homicide, aggravated
24 methamphetamine-related child endangerment, money
25 laundering pursuant to clause (c) (4) or (5) of Section
26 29B-1 of the Criminal Code of 1961, or a Class X felony

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

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

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

1 2008 (the effective date of Public Act 95-625), and other
2 than the offense of reckless homicide as defined in
3 subsection (e) of Section 9-3 of the Criminal Code of 1961
4 committed on or after January 1, 1999, or aggravated
5 driving under the influence of alcohol, other drug or
6 drugs, or intoxicating compound or compounds, or any
7 combination thereof as defined in subparagraph (F) of
8 paragraph (1) of subsection (d) of Section 11-501 of the
9 Illinois Vehicle Code, the rules and regulations shall
10 provide that a prisoner who is serving a term of
11 imprisonment shall receive one day of good conduct credit
12 for each day of his or her sentence of imprisonment or
13 recommitment under Section 3-3-9. Each day of good conduct
14 credit shall reduce by one day the prisoner's period of
15 imprisonment or 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 death
18 shall receive no good conduct credit.

19 (2.3) The rules and regulations on early release shall
20 provide that a prisoner who is serving a sentence for
21 reckless homicide as defined in subsection (e) of Section
22 9-3 of the Criminal Code of 1961 committed on or after
23 January 1, 1999, or aggravated driving under the influence
24 of alcohol, other drug or drugs, or intoxicating compound
25 or compounds, or any combination thereof as defined in
26 subparagraph (F) of paragraph (1) of subsection (d) of

1 Section 11-501 of the Illinois Vehicle Code, shall receive
2 no more than 4.5 days of good conduct credit for each month
3 of his or her sentence of imprisonment.

4 (2.4) The rules and regulations on early release shall
5 provide with respect to the offenses of aggravated battery
6 with a machine gun or a firearm equipped with any device or
7 attachment designed or used for silencing the report of a
8 firearm or aggravated discharge of a machine gun or a
9 firearm equipped with any device or attachment designed or
10 used for silencing the report of a firearm, committed on or
11 after July 15, 1999 (the effective date of Public Act
12 91-121), that a prisoner serving a sentence for any of
13 these offenses shall receive no more than 4.5 days of good
14 conduct credit for each month of his or her sentence of
15 imprisonment.

16 (2.5) The rules and regulations on early release shall
17 provide that a prisoner who is serving a sentence for
18 aggravated arson committed on or after July 27, 2001 (the
19 effective date of Public Act 92-176) shall receive no more
20 than 4.5 days of good conduct credit for each month of his
21 or her sentence of imprisonment.

22 (3) The rules and regulations shall also provide that
23 the Director may award up to 180 days additional good
24 conduct credit for meritorious service in specific
25 instances as the Director deems proper; except that no more
26 than 90 days of good conduct credit for meritorious service

1 shall be awarded to any prisoner who is serving a sentence
2 for conviction of first degree murder, reckless homicide
3 while under the influence of alcohol or any other drug, or
4 aggravated driving under the influence of alcohol, other
5 drug or drugs, or intoxicating compound or compounds, or
6 any combination thereof as defined in subparagraph (F) of
7 paragraph (1) of subsection (d) of Section 11-501 of the
8 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
9 predatory criminal sexual assault of a child, aggravated
10 criminal sexual assault, criminal sexual assault, deviate
11 sexual assault, aggravated criminal sexual abuse,
12 aggravated indecent liberties with a child, indecent
13 liberties with a child, child pornography, heinous
14 battery, aggravated battery of a spouse, aggravated
15 battery of a spouse with a firearm, stalking, aggravated
16 stalking, aggravated battery of a child, endangering the
17 life or health of a child, or cruelty to a child.
18 Notwithstanding the foregoing, good conduct credit for
19 meritorious service shall not be awarded on a sentence of
20 imprisonment imposed for conviction of: (i) one of the
21 offenses enumerated in subdivision (a)(2)(i), (ii), or
22 (iii) when the offense is committed on or after June 19,
23 1998 or subdivision (a)(2)(iv) when the offense is
24 committed on or after June 23, 2005 (the effective date of
25 Public Act 94-71) or subdivision (a)(2)(v) when the offense
26 is committed on or after August 13, 2007 (the effective

1 date of Public Act 95-134) or subdivision (a)(2)(vi) when
2 the offense is committed on or after June 1, 2008 (the
3 effective date of Public Act 95-625), (ii) reckless
4 homicide as defined in subsection (e) of Section 9-3 of the
5 Criminal Code of 1961 when the offense is committed on or
6 after January 1, 1999, or aggravated driving under the
7 influence of alcohol, other drug or drugs, or intoxicating
8 compound or compounds, or any combination thereof as
9 defined in subparagraph (F) of paragraph (1) of subsection
10 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
11 one of the offenses enumerated in subdivision (a)(2.4) when
12 the offense is committed on or after July 15, 1999 (the
13 effective date of Public Act 91-121), or (iv) aggravated
14 arson when the offense is committed on or after July 27,
15 2001 (the effective date of Public Act 92-176).

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

24 (A) is eligible for good conduct credit for
25 meritorious service;

26 (B) has served a minimum of 60 days, or as close to

1 60 days as the sentence will allow; and

2 (C) has met the eligibility criteria established
3 by rule.

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

6 (4) The rules and regulations shall also provide that
7 the good conduct credit accumulated and retained under
8 paragraph (2.1) of subsection (a) of this Section by any
9 inmate during specific periods of time in which such inmate
10 is engaged full-time in substance abuse programs,
11 correctional industry assignments, or educational programs
12 provided by the Department under this paragraph (4) and
13 satisfactorily completes the assigned program as
14 determined by the standards of the Department, shall be
15 multiplied by a factor of 1.25 for program participation
16 before August 11, 1993 and 1.50 for program participation
17 on or after that date. However, no inmate shall be eligible
18 for the additional good conduct credit under this paragraph
19 (4) or (4.1) of this subsection (a) while assigned to a
20 boot camp or electronic detention, or if convicted of an
21 offense enumerated in subdivision (a)(2)(i), (ii), or
22 (iii) of this Section that is committed on or after June
23 19, 1998 or subdivision (a)(2)(iv) of this Section that is
24 committed on or after June 23, 2005 (the effective date of
25 Public Act 94-71) or subdivision (a)(2)(v) of this Section
26 that is committed on or after August 13, 2007 (the

1 effective date of Public Act 95-134) or subdivision
2 (a)(2)(vi) when the offense is committed on or after June
3 1, 2008 (the effective date of Public Act 95-625), or if
4 convicted of reckless homicide as defined in subsection (e)
5 of Section 9-3 of the Criminal Code of 1961 if the offense
6 is committed on or after January 1, 1999, or aggravated
7 driving under the influence of alcohol, other drug or
8 drugs, or intoxicating compound or compounds, or any
9 combination thereof as defined in subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code, or if convicted of an offense
12 enumerated in paragraph (a)(2.4) of this Section that is
13 committed on or after July 15, 1999 (the effective date of
14 Public Act 91-121), or first degree murder, a Class X
15 felony, criminal sexual assault, felony criminal sexual
16 abuse, aggravated criminal sexual abuse, aggravated
17 battery with a firearm, or any predecessor or successor
18 offenses with the same or substantially the same elements,
19 or any inchoate offenses relating to the foregoing
20 offenses. No inmate shall be eligible for the additional
21 good conduct credit under this paragraph (4) who (i) has
22 previously received increased good conduct credit under
23 this paragraph (4) and has subsequently been convicted of a
24 felony, or (ii) has previously served more than one prior
25 sentence of imprisonment for a felony in an adult
26 correctional facility.

1 Educational, vocational, substance abuse and
2 correctional industry programs under which good conduct
3 credit may be increased under this paragraph (4) and
4 paragraph (4.1) of this subsection (a) shall be evaluated
5 by the Department on the basis of documented standards. The
6 Department shall report the results of these evaluations to
7 the Governor and the General Assembly by September 30th of
8 each year. The reports shall include data relating to the
9 recidivism rate among program participants.

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

22 (4.1) The rules and regulations shall also provide that
23 an additional 60 days of good conduct credit shall be
24 awarded to any prisoner who receives a high school diploma
25 or passes the high school level Test of General Educational
26 Development (GED) while the prisoner is incarcerated. The

1 good conduct credit awarded under this paragraph (4.1)
2 shall be in addition to, and shall not affect, the award of
3 good conduct under any other paragraph of this Section, but
4 shall also be pursuant to the guidelines and restrictions
5 set forth in paragraph (4) of subsection (a) of this
6 Section. The good conduct credit provided for in this
7 paragraph shall be available only to those prisoners who
8 have not previously earned a high school diploma or a GED.
9 If, after an award of the GED good conduct credit has been
10 made and the Department determines that the prisoner was
11 not eligible, then the award shall be revoked.

12 (4.5) The rules and regulations on early release shall
13 also provide that when the court's sentencing order
14 recommends a prisoner for substance abuse treatment and the
15 crime was committed on or after September 1, 2003 (the
16 effective date of Public Act 93-354), the prisoner shall
17 receive no good conduct credit awarded under clause (3) of
18 this subsection (a) unless he or she participates in and
19 completes a substance abuse treatment program. The
20 Director may waive the requirement to participate in or
21 complete a substance abuse treatment program and award the
22 good conduct credit in specific instances if the prisoner
23 is not a good candidate for a substance abuse treatment
24 program for medical, programming, or operational reasons.
25 Availability of substance abuse treatment shall be subject
26 to the limits of fiscal resources appropriated by the

1 General Assembly for these purposes. If treatment is not
2 available and the requirement to participate and complete
3 the treatment has not been waived by the Director, the
4 prisoner shall be placed on a waiting list under criteria
5 established by the Department. The Director may allow a
6 prisoner placed on a waiting list to participate in and
7 complete a substance abuse education class or attend
8 substance abuse self-help meetings in lieu of a substance
9 abuse treatment program. A prisoner on a waiting list who
10 is not placed in a substance abuse program prior to release
11 may be eligible for a waiver and receive good conduct
12 credit under clause (3) of this subsection (a) at the
13 discretion of the Director.

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

26 (5) Whenever the Department is to release any inmate

1 earlier than it otherwise would because of a grant of good
2 conduct credit for meritorious service given at any time
3 during the term, the Department shall give reasonable
4 notice of the impending release not less than 14 days prior
5 to the date of the release to the State's Attorney of the
6 county where the prosecution of the inmate took place, and
7 if applicable, the State's Attorney of the county into
8 which the inmate will be released.

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

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

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

1 30 days except where the infraction is committed or discovered
2 within 60 days of scheduled release. In those cases, the
3 Department of Corrections may revoke up to 30 days of good
4 conduct credit. The Board may subsequently approve the
5 revocation of additional good conduct credit, if the Department
6 seeks to revoke good conduct credit in excess of 30 days.
7 However, the Board shall not be empowered to review the
8 Department's decision with respect to the loss of 30 days of
9 good conduct credit within any calendar year for any prisoner
10 or to increase any penalty beyond the length requested by the
11 Department.

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

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

24 (d) If a lawsuit is filed by a prisoner in an Illinois or
25 federal court against the State, the Department of Corrections,
26 or the Prisoner Review Board, or against any of their officers

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

12 For purposes of this subsection (d):

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

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

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

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

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

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

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

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

23 (f) Whenever the Department is to release any inmate who
24 has been convicted of a violation of an order of protection
25 under Section 12-30 of the Criminal Code of 1961, earlier than
26 it otherwise would because of a grant of good conduct credit,

1 the Department, as a condition of such early release, shall
2 require that the person, upon release, be placed under
3 electronic surveillance as provided in Section 5-8A-7 of this
4 Code.

5 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
6 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
7 95-876, eff. 8-21-08; 96-860, eff. 1-15-10.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.