

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 Sexually Violent Persons Commitment Act is
5 amended by changing Sections 15, 25, 40, 60, and 65 as follows:

6 (725 ILCS 207/15)

7 Sec. 15. Sexually violent person petition; contents;
8 filing.

9 (a) A petition alleging that a person is a sexually violent
10 person must be filed before the release or discharge of the
11 person or within 30 days of placement onto parole or mandatory
12 supervised release for an offense enumerated in paragraph (e)
13 of Section 5 of this Act. A petition may be filed by the
14 following: ~~may be filed by:~~

15 (1) The Attorney General on his or her own motion,
16 after consulting with and advising the State's Attorney of
17 the county in which the person was convicted of a sexually
18 violent offense, adjudicated delinquent for a sexually
19 violent offense or found not guilty of or not responsible
20 for a sexually violent offense by reason of insanity,
21 mental disease, or mental defect; or, ~~at the request of the~~
22 agency with jurisdiction over the person, as defined in
23 subsection (a) of Section 10 of this Act, or on his or her

1 ~~own motion. If the Attorney General, after consulting with~~
2 ~~and advising the State's Attorney of the county referenced~~
3 ~~in paragraph (a)(2) of this Section, decides to file a~~
4 ~~petition under this Section, he or she shall file the~~
5 ~~petition before the release or discharge of the person or~~
6 ~~within 30 days of placement onto parole or mandatory~~
7 ~~supervised release for an offense enumerated in paragraph~~
8 ~~(e) of Section 5 of this Act.~~

9 (2) The State's Attorney of the county referenced in
10 paragraph (1)(a)(1) of this Section, on his or her own
11 motion; or ~~If the Attorney General does not file a petition~~
12 ~~under this Section, the State's Attorney of the county in~~
13 ~~which the person was convicted of a sexually violent~~
14 ~~offense, adjudicated delinquent for a sexually violent~~
15 ~~offense or found not guilty of or not responsible for a~~
16 ~~sexually violent offense by reason of insanity, mental~~
17 ~~disease, or mental defect may file a petition.~~

18 (3) The Attorney General and the State's Attorney of
19 the county referenced in paragraph (1)(a)(1) of this
20 Section may jointly file a petition on their own motion; or

21 (4) A petition may be filed at the request of the
22 agency with jurisdiction over the person, as defined in
23 subsection (a) of Section 10 of this Act, by:

24 (a) the Attorney General;

25 (b) the State's Attorney of the county referenced
26 in paragraph (1)(a)(1) of this Section; or

1 (c) the Attorney General and the State's Attorney
2 jointly. ~~The Attorney General and the State's Attorney~~
3 ~~referenced in paragraph (a) (2) of this Section~~
4 ~~jointly.~~

5 (b) A petition filed under this Section shall allege that
6 all of the following apply to the person alleged to be a
7 sexually violent person:

8 (1) The person satisfies any of the following criteria:

9 (A) The person has been convicted of a sexually
10 violent offense;

11 (B) The person has been found delinquent for a
12 sexually violent offense; or

13 (C) The person has been found not guilty of a
14 sexually violent offense by reason of insanity, mental
15 disease, or mental defect.

16 (2) (Blank).

17 (3) (Blank).

18 (4) The person has a mental disorder.

19 (5) The person is dangerous to others because the
20 person's mental disorder creates a substantial probability
21 that he or she will engage in acts of sexual violence.

22 (b-5) The petition must be filed no more than 90 days
23 before discharge or entry into mandatory supervised release
24 from a Department of Corrections or the Department of Juvenile
25 Justice correctional facility for a sentence that was imposed
26 upon a conviction for a sexually violent offense. For inmates

1 sentenced under the law in effect prior to February 1, 1978,
2 the petition shall be filed no more than 90 days after the
3 Prisoner Review Board's order granting parole pursuant to
4 Section 3-3-5 of the Unified Code of Corrections.

5 (b-6) The petition must be filed no more than 90 days
6 before discharge or release:

7 (1) from a Department of Juvenile Justice juvenile
8 correctional facility if the person was placed in the
9 facility for being adjudicated delinquent under Section
10 5-20 of the Juvenile Court Act of 1987 or found guilty
11 under Section 5-620 of that Act on the basis of a sexually
12 violent offense; or

13 (2) from a commitment order that was entered as a
14 result of a sexually violent offense.

15 (b-7) A person convicted of a sexually violent offense
16 remains eligible for commitment as a sexually violent person
17 pursuant to this Act under the following circumstances: (1) the
18 person is in custody for a sentence that is being served
19 concurrently or consecutively with a sexually violent offense;
20 (2) the person returns to the custody of the Illinois
21 Department of Corrections or the Department of Juvenile Justice
22 for any reason during the term of parole or mandatory
23 supervised release being served for a sexually violent offense;
24 or (3) the person is convicted or adjudicated delinquent for
25 any offense committed during the term of parole or mandatory
26 supervised release being served for a sexually violent offense,

1 regardless of whether that conviction or adjudication was for a
2 sexually violent offense.

3 (c) A petition filed under this Section shall state with
4 particularity essential facts to establish probable cause to
5 believe the person is a sexually violent person. If the
6 petition alleges that a sexually violent offense or act that is
7 a basis for the allegation under paragraph (b)(1) of this
8 Section was an act that was sexually motivated as provided
9 under paragraph (e)(2) of Section 5 of this Act, the petition
10 shall state the grounds on which the offense or act is alleged
11 to be sexually motivated.

12 (d) A petition under this Section shall be filed in either
13 of the following:

14 (1) The circuit court for the county in which the
15 person was convicted of a sexually violent offense,
16 adjudicated delinquent for a sexually violent offense or
17 found not guilty of a sexually violent offense by reason of
18 insanity, mental disease or mental defect.

19 (2) The circuit court for the county in which the
20 person is in custody under a sentence, a placement to a
21 Department of Corrections correctional facility or a
22 Department of Juvenile Justice juvenile correctional
23 facility, or a commitment order.

24 (e) The filing of a petition under this Act shall toll the
25 running of the term of parole or mandatory supervised release
26 until:

- 1 (1) dismissal of the petition filed under this Act;
- 2 (2) a finding by a judge or jury that the respondent is
- 3 not a sexually violent person; or
- 4 (3) the sexually violent person is discharged under
- 5 Section 65 of this Act, ~~unless the person has successfully~~
- 6 ~~completed a period of conditional release pursuant to~~
- 7 ~~Section 60 of this Act.~~

8 (f) The State has the right to have the person evaluated by

9 experts chosen by the State. The agency with jurisdiction as

10 defined in Section 10 of this Act shall allow the expert

11 reasonable access to the person for purposes of examination, to

12 the person's records, and to past and present treatment

13 providers and any other staff members relevant to the

14 examination.

15 (Source: P.A. 94-696, eff. 6-1-06; 94-992, eff. 1-1-07.)

16 (725 ILCS 207/25)

17 Sec. 25. Rights of persons subject to petition.

18 (a) Any person who is the subject of a petition filed under

19 Section 15 of this Act shall be served with a copy of the

20 petition in accordance with the Civil Practice Law.

21 (b) The circuit court in which a petition under Section 15

22 of this Act is filed shall conduct all hearings under this Act.

23 The court shall give the person who is the subject of the

24 petition reasonable notice of the time and place of each such

25 hearing. The court may designate additional persons to receive

1 these notices.

2 (c) Except as provided in paragraph (b)(1) of Section 65
3 and Section 70 of this Act, at any hearing conducted under this
4 Act, the person who is the subject of the petition has the
5 right:

6 (1) To be present and to be represented by counsel. If
7 the person is indigent, the court shall appoint counsel.

8 (2) To remain silent.

9 (3) To present and cross-examine witnesses.

10 (4) To have the hearing recorded by a court reporter.

11 (d) The person who is the subject of the petition, the
12 person's attorney, the Attorney General or the State's Attorney
13 may request that a trial under Section 35 of this Act be to a
14 jury. A verdict of a jury under this Act is not valid unless it
15 is unanimous.

16 (e) Whenever the person who is the subject of the petition
17 is required to submit to an examination under this Act, he or
18 she may retain experts or professional persons to perform an
19 examination. The State has the right to have the person
20 evaluated by an expert chosen by the State. All examiners
21 retained by or appointed for any party ~~If the person retains a~~
22 ~~qualified expert or professional person of his or her own~~
23 ~~choice to conduct an examination, the examiner~~ shall have
24 reasonable access to the person for the purpose of the
25 examination, as well as to the person's past and present
26 treatment records and patient health care records. If the

1 person is indigent, the court shall, upon the person's request,
2 appoint a qualified and available expert or professional person
3 to perform an examination. Upon the order of the circuit court,
4 the county shall pay, as part of the costs of the action, the
5 costs of a court-appointed expert or professional person to
6 perform an examination and participate in the trial on behalf
7 of an indigent person.

8 (Source: P.A. 93-616, eff. 1-1-04; 93-970, eff. 8-20-04.)

9 (725 ILCS 207/40)

10 Sec. 40. Commitment.

11 (a) If a court or jury determines that the person who is
12 the subject of a petition under Section 15 of this Act is a
13 sexually violent person, the court shall order the person to be
14 committed to the custody of the Department for control, care
15 and treatment until such time as the person is no longer a
16 sexually violent person.

17 (b) (1) The court shall enter an initial commitment order
18 under this Section pursuant to a hearing held as soon as
19 practicable after the judgment is entered that the person
20 who is the subject of a petition under Section 15 is a
21 sexually violent person. If the court lacks sufficient
22 information to make the determination required by
23 paragraph (b)(2) of this Section immediately after trial,
24 it may adjourn the hearing and order the Department to
25 conduct a predisposition investigation or a supplementary

1 mental examination, or both, to assist the court in framing
2 the commitment order. If the Department's examining
3 evaluator previously rendered an opinion that the person
4 who is the subject of a petition under Section 15 does not
5 meet the criteria to be found a sexually violent person,
6 then another evaluator shall conduct the predisposition
7 investigation and/or supplementary mental examination. A
8 supplementary mental examination under this Section shall
9 be conducted in accordance with Section 3-804 of the Mental
10 Health and Developmental Disabilities Code. The State has
11 the right to have the person evaluated by experts chosen by
12 the State.

13 (2) An order for commitment under this Section shall
14 specify either institutional care in a secure facility, as
15 provided under Section 50 of this Act, or conditional
16 release. In determining whether commitment shall be for
17 institutional care in a secure facility or for conditional
18 release, the court shall consider the nature and
19 circumstances of the behavior that was the basis of the
20 allegation in the petition under paragraph (b)(1) of
21 Section 15, the person's mental history and present mental
22 condition, ~~where the person will live, how the person will~~
23 ~~support himself or herself,~~ and what arrangements are
24 available to ensure that the person has access to and will
25 participate in necessary treatment. All treatment, whether
26 in institutional care, in a secure facility, or while on

1 conditional release, shall be conducted in conformance
2 with the standards developed under the Sex Offender
3 Management Board Act and conducted by a treatment provider
4 approved by the Board. The Department shall arrange for
5 control, care and treatment of the person in the least
6 restrictive manner consistent with the requirements of the
7 person and in accordance with the court's commitment order.

8 (3) If the court finds that the person is appropriate
9 for conditional release, the court shall notify the
10 Department. The Department shall prepare a plan that
11 identifies the treatment and services, if any, that the
12 person will receive in the community. The plan shall
13 address the person's need, if any, for supervision,
14 counseling, medication, community support services,
15 residential services, vocational services, and alcohol or
16 other drug abuse treatment. The Department may contract
17 with a county health department, with another public agency
18 or with a private agency to provide the treatment and
19 services identified in the plan. The plan shall specify who
20 will be responsible for providing the treatment and
21 services identified in the plan. The plan shall be
22 presented to the court for its approval within 60 days
23 after the court finding that the person is appropriate for
24 conditional release, unless the Department and the person
25 to be released request additional time to develop the plan.
26 The conditional release program operated under this

1 Section is not subject to the provisions of the Mental
2 Health and Developmental Disabilities Confidentiality Act.

3 (4) An order for conditional release places the person
4 in the custody and control of the Department. A person on
5 conditional release is subject to the conditions set by the
6 court and to the rules of the Department. Before a person
7 is placed on conditional release by the court under this
8 Section, the court shall so notify the municipal police
9 department and county sheriff for the municipality and
10 county in which the person will be residing. The
11 notification requirement under this Section does not apply
12 if a municipal police department or county sheriff submits
13 to the court a written statement waiving the right to be
14 notified. Notwithstanding any other provision in the Act,
15 the person being supervised on conditional release shall
16 not reside at the same street address as another sex
17 offender being supervised on conditional release under
18 this Act, mandatory supervised release, parole, probation,
19 or any other manner of supervision. If the Department
20 alleges that a released person has violated any condition
21 or rule, or that the safety of others requires that
22 conditional release be revoked, he or she may be taken into
23 custody under the rules of the Department.

24 At any time during which the person is on conditional
25 release, if the Department determines that the person has
26 violated any condition or rule, or that the safety of

1 others requires that conditional release be revoked, the
2 Department may request the Attorney General or State's
3 Attorney to request the court to issue an emergency ex
4 parte order directing any law enforcement officer to take
5 the person into custody and transport the person to the
6 county jail. The Department may request, or the Attorney
7 General or State's Attorney may request independently of
8 the Department, that a petition to revoke conditional
9 release be filed. When a petition is filed, the court may
10 order the Department to issue a notice to the person to be
11 present at the Department or other agency designated by the
12 court, order a summons to the person to be present, or
13 order a body attachment for all law enforcement officers to
14 take the person into custody and transport him or her to
15 the county jail, hospital, or treatment facility. The
16 Department shall submit a statement showing probable cause
17 of the detention and a petition to revoke the order for
18 conditional release to the committing court within 48 hours
19 after the detention. The court shall hear the petition
20 within 30 days, unless the hearing or time deadline is
21 waived by the detained person. Pending the revocation
22 hearing, the Department may detain the person in a jail, in
23 a hospital or treatment facility. The State has the burden
24 of proving by clear and convincing evidence that any rule
25 or condition of release has been violated, or that the
26 safety of others requires that the conditional release be

1 revoked. If the court determines after hearing that any
2 rule or condition of release has been violated, or that the
3 safety of others requires that conditional release be
4 revoked, it may revoke the order for conditional release
5 and order that the released person be placed in an
6 appropriate institution until the person is discharged
7 from the commitment under Section 65 of this Act or until
8 again placed on conditional release under Section 60 of
9 this Act.

10 (5) An order for conditional release places the person
11 in the custody, care, and control of the Department. The
12 court shall order the person be subject to the following
13 rules of conditional release, in addition to any other
14 conditions ordered, and the person shall be given a
15 certificate setting forth the conditions of conditional
16 release. These conditions shall be that the person:

17 (A) not violate any criminal statute of any
18 jurisdiction;

19 (B) report to or appear in person before such
20 person or agency as directed by the court and the
21 Department;

22 (C) refrain from possession of a firearm or other
23 dangerous weapon;

24 (D) not leave the State without the consent of the
25 court or, in circumstances in which the reason for the
26 absence is of such an emergency nature, that prior

1 consent by the court is not possible without the prior
2 notification and approval of the Department;

3 (E) at the direction of the Department, notify
4 third parties of the risks that may be occasioned by
5 his or her criminal record or sexual offending history
6 or characteristics, and permit the supervising officer
7 or agent to make the notification requirement;

8 (F) attend and fully participate in assessment,
9 treatment, and behavior monitoring including, but not
10 limited to, medical, psychological or psychiatric
11 treatment specific to sexual offending, drug
12 addiction, or alcoholism, to the extent appropriate to
13 the person based upon the recommendation and findings
14 made in the Department evaluation or based upon any
15 subsequent recommendations by the Department;

16 (G) waive confidentiality allowing the court and
17 Department access to assessment or treatment results
18 or both;

19 (H) work regularly at a Department approved
20 occupation or pursue a course of study or vocational
21 training and notify the Department within 72 hours of
22 any change in employment, study, or training;

23 (I) not be employed or participate in any volunteer
24 activity that involves contact with children, except
25 under circumstances approved in advance and in writing
26 by the Department officer;

1 (J) submit to the search of his or her person,
2 residence, vehicle, or any personal or real property
3 under his or her control at any time by the Department;

4 (K) financially support his or her dependents and
5 provide the Department access to any requested
6 financial information;

7 (L) serve a term of home confinement, the
8 conditions of which shall be that the person:

9 (i) remain within the interior premises of the
10 place designated for his or her confinement during
11 the hours designated by the Department;

12 (ii) admit any person or agent designated by
13 the Department into the offender's place of
14 confinement at any time for purposes of verifying
15 the person's compliance with the condition of his
16 or her confinement;

17 (iii) if deemed necessary by the Department,
18 be placed on an electronic monitoring device;

19 (M) comply with the terms and conditions of an
20 order of protection issued by the court pursuant to the
21 Illinois Domestic Violence Act of 1986. A copy of the
22 order of protection shall be transmitted to the
23 Department by the clerk of the court;

24 (N) refrain from entering into a designated
25 geographic area except upon terms the Department finds
26 appropriate. The terms may include consideration of

1 the purpose of the entry, the time of day, others
2 accompanying the person, and advance approval by the
3 Department;

4 (O) refrain from having any contact, including
5 written or oral communications, directly or
6 indirectly, with certain specified persons including,
7 but not limited to, the victim or the victim's family,
8 and report any incidental contact with the victim or
9 the victim's family to the Department within 72 hours;
10 refrain from entering onto the premises of, traveling
11 past, or loitering near the victim's residence, place
12 of employment, or other places frequented by the
13 victim;

14 (P) refrain from having any contact, including
15 written or oral communications, directly or
16 indirectly, with particular types of persons,
17 including but not limited to members of street gangs,
18 drug users, drug dealers, or prostitutes;

19 (Q) refrain from all contact, direct or indirect,
20 personally, by telephone, letter, or through another
21 person, with minor children without prior
22 identification and approval of the Department;

23 (R) refrain from having in his or her body the
24 presence of alcohol or any illicit drug prohibited by
25 the Cannabis Control Act, the Illinois Controlled
26 Substances Act, or the Methamphetamine Control and

1 Community Protection Act, unless prescribed by a
2 physician, and submit samples of his or her breath,
3 saliva, blood, or urine for tests to determine the
4 presence of alcohol or any illicit drug;

5 (S) not establish a dating, intimate, or sexual
6 relationship with a person without prior written
7 notification to the Department;

8 (T) neither possess or have under his or her
9 control any material that is pornographic, sexually
10 oriented, or sexually stimulating, or that depicts or
11 alludes to sexual activity or depicts minors under the
12 age of 18, including but not limited to visual,
13 auditory, telephonic, electronic media, or any matter
14 obtained through access to any computer or material
15 linked to computer access use;

16 (U) not patronize any business providing sexually
17 stimulating or sexually oriented entertainment nor
18 utilize "900" or adult telephone numbers or any other
19 sex-related telephone numbers;

20 (V) not reside near, visit, or be in or about
21 parks, schools, day care centers, swimming pools,
22 beaches, theaters, or any other places where minor
23 children congregate without advance approval of the
24 Department and report any incidental contact with
25 minor children to the Department within 72 hours;

26 (W) not establish any living arrangement or

1 residence without prior approval of the Department;

2 (X) not publish any materials or print any
3 advertisements without providing a copy of the
4 proposed publications to the Department officer and
5 obtaining permission prior to publication;

6 (Y) not leave the county except with prior
7 permission of the Department and provide the
8 Department officer or agent with written travel routes
9 to and from work and any other designated destinations;

10 (Z) not possess or have under his or her control
11 certain specified items of contraband related to the
12 incidence of sexually offending items including video
13 or still camera items or children's toys;

14 (AA) provide a written daily log of activities as
15 directed by the Department;

16 (BB) comply with all other special conditions that
17 the Department may impose that restrict the person from
18 high-risk situations and limit access or potential
19 victims.

20 (6) A person placed on conditional release and who
21 during the term undergoes mandatory drug or alcohol testing
22 or is assigned to be placed on an approved electronic
23 monitoring device may be ordered to pay all costs
24 incidental to the mandatory drug or alcohol testing and all
25 costs incidental to the approved electronic monitoring in
26 accordance with the person's ability to pay those costs.

1 The Department may establish reasonable fees for the cost
2 of maintenance, testing, and incidental expenses related
3 to the mandatory drug or alcohol testing and all costs
4 incidental to approved electronic monitoring.

5 (Source: P.A. 93-616, eff. 1-1-04; 94-556, eff. 9-11-05.)

6 (725 ILCS 207/60)

7 Sec. 60. Petition for conditional release.

8 (a) Any person who is committed for institutional care in a
9 secure facility or other facility under Section 40 of this Act
10 may petition the committing court to modify its order by
11 authorizing conditional release if at least 6 months have
12 elapsed since the initial commitment order was entered, an
13 order continuing commitment was entered pursuant to Section 65,
14 the most recent release petition was denied or the most recent
15 order for conditional release was revoked. The director of the
16 facility at which the person is placed may file a petition
17 under this Section on the person's behalf at any time. If the
18 evaluator on behalf of the Department recommends that the
19 committed person is appropriate for conditional release, then
20 the director or designee shall, within 30 days of receipt of
21 the evaluator's report, file with the committing court notice
22 of his or her intention whether or not to petition for
23 conditional release on the committed person's behalf.

24 (b) If the person files a timely petition without counsel,
25 the court shall serve a copy of the petition on the Attorney

1 General or State's Attorney, whichever is applicable and,
2 subject to paragraph (c)(1) of Section 25 of this Act, appoint
3 counsel. If the person petitions through counsel, his or her
4 attorney shall serve the Attorney General or State's Attorney,
5 whichever is applicable.

6 (c) Within 20 days after receipt of the petition, upon the
7 request of the committed person or on the court's own motion,
8 the court may ~~shall~~ appoint an examiner ~~one or more examiners~~
9 having the specialized knowledge determined by the court to be
10 appropriate, who shall examine the mental condition of the
11 person and furnish a written report of the examination to the
12 court within 30 days after appointment. The examiners shall
13 have reasonable access to the person for purposes of
14 examination and to the person's past and present treatment
15 records and patient health care records. If any such examiner
16 believes that the person is appropriate for conditional
17 release, the examiner shall report on the type of treatment and
18 services that the person may need while in the community on
19 conditional release. The State has the right to have the person
20 evaluated by experts chosen by the State. Any examination or
21 evaluation conducted under this Section shall be in conformance
22 with the standards developed under the Sex Offender Management
23 Board Act and conducted by an evaluator approved by the Board.
24 The court shall set a probable cause hearing as soon as
25 practical after the examiners' reports are ~~examiner's report is~~
26 filed. The probable cause hearing shall consist of a review of

1 the examining evaluators' reports and arguments on behalf of
2 the parties. If the court determines at the probable cause
3 hearing that cause exists to believe that it is not
4 substantially probable that the person will engage in acts of
5 sexual violence if on release or conditional release, the court
6 shall set a hearing on the issue.

7 (d) The court, without a jury, shall hear the petition as
8 soon as practical ~~within 30 days~~ after the reports ~~report~~ of
9 all examiners are ~~the court appointed examiner is~~ filed with
10 the court, ~~unless the petitioner waives this time limit.~~ The
11 court shall grant the petition unless the State proves by clear
12 and convincing evidence that the person has not made sufficient
13 progress to be conditionally released. In making a decision
14 under this subsection, the court must consider the nature and
15 circumstances of the behavior that was the basis of the
16 allegation in the petition under paragraph (b) (1) of Section 15
17 of this Act, the person's mental history and present mental
18 condition, ~~where the person will live, how the person will~~
19 ~~support himself or herself~~ and what arrangements are available
20 to ensure that the person has access to and will participate in
21 necessary treatment.

22 (e) Before the court may enter an order directing
23 conditional release to a less restrictive alternative it must
24 find the following: (1) the person will be treated by a
25 Department approved treatment provider, (2) the treatment
26 provider has presented a specific course of treatment and has

1 agreed to assume responsibility for the treatment and will
2 report progress to the Department on a regular basis, and will
3 report violations immediately to the Department, consistent
4 with treatment and supervision needs of the respondent, (3)
5 housing exists that is sufficiently secure to protect the
6 community, and the person or agency providing housing to the
7 conditionally released person has agreed in writing to accept
8 the person, to provide the level of security required by the
9 court, and immediately to report to the Department if the
10 person leaves the housing to which he or she has been assigned
11 without authorization, (4) the person is willing to or has
12 agreed to comply with the treatment provider, the Department,
13 and the court, and (5) the person has agreed or is willing to
14 agree to comply with the behavioral monitoring requirements
15 imposed by the court and the Department.

16 (f) If the court finds that the person is appropriate for
17 conditional release, the court shall notify the Department. The
18 Department shall prepare a plan that identifies the treatment
19 and services, if any, that the person will receive in the
20 community. The plan shall address the person's need, if any,
21 for supervision, counseling, medication, community support
22 services, residential services, vocational services, and
23 alcohol or other drug abuse treatment. The Department may
24 contract with a county health department, with another public
25 agency or with a private agency to provide the treatment and
26 services identified in the plan. The plan shall specify who

1 will be responsible for providing the treatment and services
2 identified in the plan. The plan shall be presented to the
3 court for its approval within 60 days after the court finding
4 that the person is appropriate for conditional release, unless
5 the Department and the person to be released request additional
6 time to develop the plan.

7 (g) The provisions of paragraphs (b) (4), (b) (5), and (b) (6)
8 of Section 40 of this Act apply to an order for conditional
9 release issued under this Section.

10 (Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04;
11 93-885, eff. 8-6-04.)

12 (725 ILCS 207/65)

13 Sec. 65. Petition for discharge; procedure.

14 (a) (1) If the Secretary determines at any time that a
15 person committed under this Act is no longer a sexually violent
16 person, the Secretary shall authorize the person to petition
17 the committing court for discharge. If the evaluator on behalf
18 of the Department recommends that the committed person is no
19 longer a sexually violent person, then the Secretary or
20 designee shall, within 30 days of receipt of the evaluator's
21 report, file with the committing court notice of his or her
22 determination whether or not to authorize the committed person
23 to petition the committing court for discharge. The person
24 shall file the petition with the court and serve a copy upon
25 the Attorney General or the State's Attorney's office that

1 filed the petition under subsection (a) of Section 15 of this
2 Act, whichever is applicable. The court, upon receipt of the
3 petition for discharge, shall order a hearing to be held as
4 soon as practical ~~within 45 days~~ after the date of receipt of
5 the petition.

6 (2) At a hearing under this subsection, the Attorney
7 General or State's Attorney, whichever filed the original
8 petition, shall represent the State and shall have the right to
9 have the petitioner examined by an expert or professional
10 person of his or her choice. The examination shall be conducted
11 in conformance with the standards developed under the Sex
12 Offender Management Board Act and by an evaluator approved by
13 the Board. The committed person or the State may elect to have
14 the hearing before a jury. The State has the burden of proving
15 by clear and convincing evidence that the petitioner is still a
16 sexually violent person.

17 (3) If the court or jury is satisfied that the State has
18 not met its burden of proof under paragraph (a)(2) of this
19 Section, the petitioner shall be discharged from the custody or
20 supervision of the Department. If the court is satisfied that
21 the State has met its burden of proof under paragraph (a)(2),
22 the court may proceed under Section 40 of this Act to determine
23 whether to modify the petitioner's existing commitment order.

24 (b)(1) A person may petition the committing court for
25 discharge from custody or supervision without the Secretary's
26 approval. At the time of an examination under subsection (a) of

1 Section 55 of this Act, the Secretary shall provide the
2 committed person with a written notice of the person's right to
3 petition the court for discharge over the Secretary's
4 objection. The notice shall contain a waiver of rights. The
5 Secretary shall forward the notice and waiver form to the court
6 with the report of the Department's examination under Section
7 55 of this Act. If the person does not affirmatively waive the
8 right to petition, the court shall set a probable cause hearing
9 to determine whether facts exist that warrant a hearing on
10 whether the person is still a sexually violent person. If a
11 person does not file a petition for discharge, yet fails to
12 waive the right to petition under this Section, then the
13 probable cause hearing consists only of a review of the
14 reexamination reports and arguments on behalf of the parties.
15 The committed person has a right to have an attorney represent
16 him or her at the probable cause hearing, but the person is not
17 entitled to be present at the probable cause hearing. The
18 probable cause hearing under this Section must be held as soon
19 as practical after ~~within 45 days of~~ the filing of the
20 reexamination report under Section 55 of this Act.

21 (2) If the court determines at the probable cause hearing
22 under paragraph (b)(1) of this Section that probable cause
23 exists to believe that the committed person is no longer a
24 sexually violent person, then the court shall set a hearing on
25 the issue. At a hearing under this Section, the committed
26 person is entitled to be present and to the benefit of the

1 protections afforded to the person under Section 25 of this
2 Act. The committed person or the State may elect to have a
3 hearing under this Section before a jury. A verdict of a jury
4 under this Section is not valid unless it is unanimous. The
5 Attorney General or State's Attorney, whichever filed the
6 original petition, shall represent the State at a hearing under
7 this Section. The State has the right to have the committed
8 person evaluated by experts chosen by the State. The
9 examination shall be conducted in conformance with the
10 standards developed under the Sex Offender Management Board Act
11 and by an evaluator approved by the Board. At the hearing, the
12 State has the burden of proving by clear and convincing
13 evidence that the committed person is still a sexually violent
14 person.

15 (3) If the court or jury is satisfied that the State has
16 not met its burden of proof under paragraph (b)(2) of this
17 Section, the person shall be discharged from the custody or
18 supervision of the Department. If the court or jury is
19 satisfied that the State has met its burden of proof under
20 paragraph (b)(2) of this Section, the court may proceed under
21 Section 40 of this Act to determine whether to modify the
22 person's existing commitment order.

23 (Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04.)

24 Section 10. The Unified Code of Corrections is amended by
25 changing Section 3-6-3 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 prescribe
4 rules and regulations for the early release on account of
5 good conduct of persons committed to the Department which
6 shall be subject to review by the Prisoner Review Board.

7 (2) The rules and regulations on early release shall
8 provide, with respect to offenses listed in clause (i),
9 (ii), or (iii) of this paragraph (2) committed on or after
10 June 19, 1998 or with respect to the offense listed in
11 clause (iv) of this paragraph (2) committed on or after
12 June 23, 2005 (the effective date of Public Act 94-71) or
13 with respect to offense listed in clause (vi) committed on
14 or after June 1, 2008 (the effective date of Public Act
15 95-625) or with respect to the offense of being an armed
16 habitual criminal committed on or after August 2, 2005 (the
17 effective date of Public Act 94-398) or with respect to the
18 offenses listed in clause (v) of this paragraph (2)
19 committed on or after August 13, 2007 (the effective date
20 of Public Act 95-134), the following:

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

25 (ii) that a prisoner serving a sentence for attempt

1 to commit first degree murder, solicitation of murder,
2 solicitation of murder for hire, intentional homicide
3 of an unborn child, predatory criminal sexual assault
4 of a child, aggravated criminal sexual assault,
5 criminal sexual assault, aggravated kidnapping,
6 aggravated battery with a firearm, heinous battery,
7 being an armed habitual criminal, aggravated battery
8 of a 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;

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

23 (iv) that a prisoner serving a sentence for
24 aggravated discharge of a firearm, whether or not the
25 conduct leading to conviction for the offense resulted
26 in great bodily harm to the victim, shall receive no

1 more than 4.5 days of good conduct credit for each
2 month of his or her sentence of imprisonment;

3 (v) that a person serving a sentence for
4 gunrunning, narcotics racketeering, controlled
5 substance trafficking, methamphetamine trafficking,
6 drug-induced homicide, aggravated
7 methamphetamine-related child endangerment, money
8 laundering pursuant to clause (c) (4) or (5) of Section
9 29B-1 of the Criminal Code of 1961, or a Class X felony
10 conviction for delivery of a controlled substance,
11 possession of a controlled substance with intent to
12 manufacture or deliver, calculated criminal drug
13 conspiracy, criminal drug conspiracy, street gang
14 criminal drug conspiracy, participation in
15 methamphetamine manufacturing, aggravated
16 participation in methamphetamine manufacturing,
17 delivery of methamphetamine, possession with intent to
18 deliver methamphetamine, aggravated delivery of
19 methamphetamine, aggravated possession with intent to
20 deliver methamphetamine, methamphetamine conspiracy
21 when the substance containing the controlled substance
22 or methamphetamine is 100 grams or more shall receive
23 no more than 7.5 days good conduct credit for each
24 month of his or her sentence of imprisonment; and

25 (vi) that a prisoner serving a sentence for a
26 second or subsequent offense of luring a minor shall

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

3 (2.1) For all offenses, other than those enumerated in
4 subdivision (a)(2)(i), (ii), or (iii) committed on or after
5 June 19, 1998 or subdivision (a)(2)(iv) committed on or
6 after June 23, 2005 (the effective date of Public Act
7 94-71) or subdivision (a)(2)(v) committed on or after
8 August 13, 2007 (the effective date of Public Act 95-134)
9 or subdivision (a)(2)(vi) committed on or after June 1,
10 2008 (the effective date of Public Act 95-625), and other
11 than the offense of reckless homicide as defined in
12 subsection (e) of Section 9-3 of the Criminal Code of 1961
13 committed on or after January 1, 1999, or aggravated
14 driving under the influence of alcohol, other drug or
15 drugs, or intoxicating compound or compounds, or any
16 combination thereof as defined in subparagraph (F) of
17 paragraph (1) of subsection (d) of Section 11-501 of the
18 Illinois Vehicle Code, the rules and regulations shall
19 provide that a prisoner who is serving a term of
20 imprisonment shall receive one day of good conduct credit
21 for each day of his or her sentence of imprisonment or
22 recommitment under Section 3-3-9. Each day of good conduct
23 credit shall reduce by one day the prisoner's period of
24 imprisonment or recommitment under Section 3-3-9.

25 (2.2) A prisoner serving a term of natural life
26 imprisonment or a prisoner who has been sentenced to death

1 shall receive no good conduct credit.

2 (2.3) The rules and regulations on early release shall
3 provide that a prisoner who is serving a sentence for
4 reckless homicide as defined in subsection (e) of Section
5 9-3 of the Criminal Code of 1961 committed on or after
6 January 1, 1999, or aggravated driving under the influence
7 of alcohol, other drug or drugs, or intoxicating compound
8 or compounds, or any combination thereof as defined in
9 subparagraph (F) of paragraph (1) of subsection (d) of
10 Section 11-501 of the Illinois Vehicle Code, shall receive
11 no more than 4.5 days of good conduct credit for each month
12 of his or her sentence of imprisonment.

13 (2.4) The rules and regulations on early release shall
14 provide with respect to the offenses of aggravated battery
15 with a machine gun or a firearm equipped with any device or
16 attachment designed or used for silencing the report of a
17 firearm or aggravated discharge of a machine gun or a
18 firearm equipped with any device or attachment designed or
19 used for silencing the report of a firearm, committed on or
20 after July 15, 1999 (the effective date of Public Act
21 91-121), that a prisoner serving a sentence for any of
22 these offenses shall receive no more than 4.5 days of good
23 conduct credit for each month of his or her sentence of
24 imprisonment.

25 (2.5) The rules and regulations on early release shall
26 provide that a prisoner who is serving a sentence for

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

5 (3) The rules and regulations shall also provide that
6 the Director may award up to 180 days additional good
7 conduct credit for meritorious service in specific
8 instances as the Director deems proper; except that no more
9 than 90 days of good conduct credit for meritorious service
10 shall be awarded to any prisoner who is serving a sentence
11 for conviction of first degree murder, reckless homicide
12 while under the influence of alcohol or any other drug, or
13 aggravated driving under the influence of alcohol, other
14 drug or drugs, or intoxicating compound or compounds, or
15 any combination thereof as defined in subparagraph (F) of
16 paragraph (1) of subsection (d) of Section 11-501 of the
17 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
18 predatory criminal sexual assault of a child, aggravated
19 criminal sexual assault, criminal sexual assault, deviate
20 sexual assault, aggravated criminal sexual abuse,
21 aggravated indecent liberties with a child, indecent
22 liberties with a child, child pornography, heinous
23 battery, aggravated battery of a spouse, aggravated
24 battery of a spouse with a firearm, stalking, aggravated
25 stalking, aggravated battery of a child, endangering the
26 life or health of a child, or cruelty to a child.

1 Notwithstanding the foregoing, good conduct credit for
2 meritorious service shall not be awarded on a sentence of
3 imprisonment imposed for conviction of: (i) one of the
4 offenses enumerated in subdivision (a)(2)(i), (ii), or
5 (iii) when the offense is committed on or after June 19,
6 1998 or subdivision (a)(2)(iv) when the offense is
7 committed on or after June 23, 2005 (the effective date of
8 Public Act 94-71) or subdivision (a)(2)(v) when the offense
9 is committed on or after August 13, 2007 (the effective
10 date of Public Act 95-134) or subdivision (a)(2)(vi) when
11 the offense is committed on or after June 1, 2008 (the
12 effective date of Public Act 95-625), (ii) reckless
13 homicide as defined in subsection (e) of Section 9-3 of the
14 Criminal Code of 1961 when the offense is committed on or
15 after January 1, 1999, or aggravated driving under the
16 influence of alcohol, other drug or drugs, or intoxicating
17 compound or compounds, or any combination thereof as
18 defined in subparagraph (F) of paragraph (1) of subsection
19 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
20 one of the offenses enumerated in subdivision (a)(2.4) when
21 the offense is committed on or after July 15, 1999 (the
22 effective date of Public Act 91-121), ~~or~~ (iv) aggravated
23 arson when the offense is committed on or after July 27,
24 2001 (the effective date of Public Act 92-176), or (v)
25 offenses that may subject the offender to commitment under
26 the Sexually Violent Persons Commitment Act.

1 The Director shall not award good conduct credit for
2 meritorious service under this paragraph (3) to an inmate
3 unless the inmate has served a minimum of 60 days of the
4 sentence; except nothing in this paragraph shall be
5 construed to permit the Director to extend an inmate's
6 sentence beyond that which was imposed by the court. Prior
7 to awarding credit under this paragraph (3), the Director
8 shall make a written determination that the inmate:

9 (A) is eligible for good conduct credit for
10 meritorious service;

11 (B) has served a minimum of 60 days, or as close to
12 60 days as the sentence will allow; and

13 (C) has met the eligibility criteria established
14 by rule.

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

17 (4) The rules and regulations shall also provide that
18 the good conduct credit accumulated and retained under
19 paragraph (2.1) of subsection (a) of this Section by any
20 inmate during specific periods of time in which such inmate
21 is engaged full-time in substance abuse programs,
22 correctional industry assignments, or educational programs
23 provided by the Department under this paragraph (4) and
24 satisfactorily completes the assigned program as
25 determined by the standards of the Department, shall be
26 multiplied by a factor of 1.25 for program participation

1 before August 11, 1993 and 1.50 for program participation
2 on or after that date. However, no inmate shall be eligible
3 for the additional good conduct credit under this paragraph
4 (4) or (4.1) of this subsection (a) while assigned to a
5 boot camp or electronic detention, or if convicted of an
6 offense enumerated in subdivision (a)(2)(i), (ii), or
7 (iii) of this Section that is committed on or after June
8 19, 1998 or subdivision (a)(2)(iv) of this Section that is
9 committed on or after June 23, 2005 (the effective date of
10 Public Act 94-71) or subdivision (a)(2)(v) of this Section
11 that is committed on or after August 13, 2007 (the
12 effective date of Public Act 95-134) or subdivision
13 (a)(2)(vi) when the offense is committed on or after June
14 1, 2008 (the effective date of Public Act 95-625), or if
15 convicted of reckless homicide as defined in subsection (e)
16 of Section 9-3 of the Criminal Code of 1961 if the offense
17 is committed on or after January 1, 1999, or aggravated
18 driving under the influence of alcohol, other drug or
19 drugs, or intoxicating compound or compounds, or any
20 combination thereof as defined in subparagraph (F) of
21 paragraph (1) of subsection (d) of Section 11-501 of the
22 Illinois Vehicle Code, or if convicted of an offense
23 enumerated in paragraph (a)(2.4) of this Section that is
24 committed on or after July 15, 1999 (the effective date of
25 Public Act 91-121), or first degree murder, a Class X
26 felony, criminal sexual assault, felony criminal sexual

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

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

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

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

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

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

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

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

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

11 (5) Whenever the Department is to release any inmate
12 earlier than it otherwise would because of a grant of good
13 conduct credit for meritorious service given at any time
14 during the term, the Department shall give reasonable
15 notice of the impending release not less than 14 days prior
16 to the date of the release to the State's Attorney of the
17 county where the prosecution of the inmate took place, and
18 if applicable, the State's Attorney of the county into
19 which the inmate will be released.

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

24 (c) The Department shall prescribe rules and regulations
25 for revoking good conduct credit, or suspending or reducing the
26 rate of accumulation of good conduct credit for specific rule

1 violations, during imprisonment. These rules and regulations
2 shall provide that no inmate may be penalized more than one
3 year of good conduct credit for any one infraction.

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

23 The Director of the Department of Corrections, in
24 appropriate cases, may restore up to 30 days good conduct
25 credits which have been revoked, suspended or reduced. Any
26 restoration of good conduct credits in excess of 30 days shall

1 be subject to review by the Prisoner Review Board. However, the
2 Board may not restore good conduct credit in excess of the
3 amount requested by the Director.

4 Nothing contained in this Section shall prohibit the
5 Prisoner Review Board from ordering, pursuant to Section
6 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
7 sentence imposed by the court that was not served due to the
8 accumulation of good conduct credit.

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

23 For purposes of this subsection (d):

24 (1) "Frivolous" means that a pleading, motion, or other
25 filing which purports to be a legal document filed by a
26 prisoner in his or her lawsuit meets any or all of the

1 following criteria:

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

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

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

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

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

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

1 subsequent petition for post-conviction relief under
2 Article 122 of the Code of Criminal Procedure of 1963
3 whether filed with or without leave of court or a second or
4 subsequent petition for relief from judgment under Section
5 2-1401 of the Code of Civil Procedure.

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

8 (f) Whenever the Department is to release any inmate who
9 has been convicted of a violation of an order of protection
10 under Section 12-30 of the Criminal Code of 1961, earlier than
11 it otherwise would because of a grant of good conduct credit,
12 the Department, as a condition of such early release, shall
13 require that the person, upon release, be placed under
14 electronic surveillance as provided in Section 5-8A-7 of this
15 Code.

16 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
17 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
18 95-876, eff. 8-21-08; 96-860, eff. 1-15-10.)

1 INDEX

2 Statutes amended in order of appearance

3 725 ILCS 207/15

4 725 ILCS 207/25

5 725 ILCS 207/30

6 725 ILCS 207/40

7 725 ILCS 207/60

8 725 ILCS 207/65

9 730 ILCS 5/3-6-3 from Ch. 38, par. 1003-6-3