



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3956

Introduced 11/4/2010, by Sen. Kirk W. Dillard - Tim Bivins

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-6-3
730 ILCS 5/3-14-1

from Ch. 38, par. 1003-6-3
from Ch. 38, par. 1003-14-1

Amends the Unified Code of Corrections. Provides that the Department of Corrections shall establish uniform procedures for providing timely advance notice of early release of inmates to law enforcement in local jurisdictions and shall submit a report to the General Assembly, by January 1, 2011, of those notice procedures. Provides that the 14-day advance notice of early release of an inmate because of the award of good conduct credit for meritorious service shall be provided to the Governor and sheriff of the county where the prosecution took place. Effective immediately.

LRB096 24022 RLC 43430 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 3-6-3 and 3-14-1 as follows:

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

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

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

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

1 committed on or after August 13, 2007 (the effective date
2 of Public Act 95-134) or with respect to the offense of
3 aggravated domestic battery committed on or after July 23,
4 2010 (the effective date of Public Act 96-1224) ~~this~~
5 ~~amendatory Act of the 96th General Assembly~~, the following:

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

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

22 (iii) that a prisoner serving a sentence for home
23 invasion, armed robbery, aggravated vehicular
24 hijacking, aggravated discharge of a firearm, or armed
25 violence with a category I weapon or category II
26 weapon, when the court has made and entered a finding,

1 pursuant to subsection (c-1) of Section 5-4-1 of this
2 Code, that the conduct leading to conviction for the
3 enumerated offense resulted in great bodily harm to a
4 victim, shall receive no more than 4.5 days of good
5 conduct credit for each month of his or her sentence of
6 imprisonment;

7 (iv) that a prisoner serving a sentence for
8 aggravated discharge of a firearm, whether or not the
9 conduct leading to conviction for the offense resulted
10 in great bodily harm to the victim, shall receive no
11 more than 4.5 days of good conduct credit for each
12 month of his or her sentence of imprisonment;

13 (v) that a person serving a sentence for
14 gunrunning, narcotics racketeering, controlled
15 substance trafficking, methamphetamine trafficking,
16 drug-induced homicide, aggravated
17 methamphetamine-related child endangerment, money
18 laundering pursuant to clause (c) (4) or (5) of Section
19 29B-1 of the Criminal Code of 1961, or a Class X felony
20 conviction for delivery of a controlled substance,
21 possession of a controlled substance with intent to
22 manufacture or deliver, calculated criminal drug
23 conspiracy, criminal drug conspiracy, street gang
24 criminal drug conspiracy, participation in
25 methamphetamine manufacturing, aggravated
26 participation in methamphetamine manufacturing,

1 delivery of methamphetamine, possession with intent to
2 deliver methamphetamine, aggravated delivery of
3 methamphetamine, aggravated possession with intent to
4 deliver methamphetamine, methamphetamine conspiracy
5 when the substance containing the controlled substance
6 or methamphetamine is 100 grams or more shall receive
7 no more than 7.5 days good conduct credit for each
8 month of his or her sentence of imprisonment;

9 (vi) that a prisoner serving a sentence for a
10 second or subsequent offense of luring a minor shall
11 receive no more than 4.5 days of good conduct credit
12 for each month of his or her sentence of imprisonment;
13 and

14 (vii) that a prisoner serving a sentence for
15 aggravated domestic battery shall receive no more than
16 4.5 days of good conduct credit for each month of his
17 or her sentence of imprisonment.

18 (2.1) For all offenses, other than those enumerated in
19 subdivision (a)(2)(i), (ii), or (iii) committed on or after
20 June 19, 1998 or subdivision (a)(2)(iv) committed on or
21 after June 23, 2005 (the effective date of Public Act
22 94-71) or subdivision (a)(2)(v) committed on or after
23 August 13, 2007 (the effective date of Public Act 95-134)
24 or subdivision (a)(2)(vi) committed on or after June 1,
25 2008 (the effective date of Public Act 95-625) or
26 subdivision (a)(2)(vii) committed on or after July 23, 2010

1 (the effective date of Public Act 96-1224) ~~this amendatory~~
2 ~~Act of the 96th General Assembly,~~ and other than the
3 offense of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof as defined in
6 subparagraph (F) of paragraph (1) of subsection (d) of
7 Section 11-501 of the Illinois Vehicle Code, and other than
8 the offense of aggravated driving under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof as defined in
11 subparagraph (C) of paragraph (1) of subsection (d) of
12 Section 11-501 of the Illinois Vehicle Code committed on or
13 after January 1, 2011 (the effective date of Public Act
14 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
15 the rules and regulations shall provide that a prisoner who
16 is serving a term of imprisonment shall receive one day of
17 good conduct credit for each day of his or her sentence of
18 imprisonment or recommitment under Section 3-3-9. Each day
19 of good conduct credit shall reduce by one day the
20 prisoner's period of imprisonment or recommitment under
21 Section 3-3-9.

22 (2.2) A prisoner serving a term of natural life
23 imprisonment or a prisoner who has been sentenced to death
24 shall receive no good conduct credit.

25 (2.3) The rules and regulations on early release shall
26 provide that a prisoner who is serving a sentence for

1 aggravated driving under the influence of alcohol, other
2 drug or drugs, or intoxicating compound or compounds, or
3 any combination thereof as defined in subparagraph (F) of
4 paragraph (1) of subsection (d) of Section 11-501 of the
5 Illinois Vehicle Code, shall receive no more than 4.5 days
6 of good conduct credit for each month of his or her
7 sentence of imprisonment.

8 (2.4) The rules and regulations on early release shall
9 provide with respect to the offenses of aggravated battery
10 with a machine gun or a firearm equipped with any device or
11 attachment designed or used for silencing the report of a
12 firearm or aggravated discharge of a machine gun or a
13 firearm equipped with any device or attachment designed or
14 used for silencing the report of a firearm, committed on or
15 after July 15, 1999 (the effective date of Public Act
16 91-121), that a prisoner serving a sentence for any of
17 these offenses shall receive no more than 4.5 days of good
18 conduct credit for each month of his or her sentence of
19 imprisonment.

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

26 (2.6) The rules and regulations on early release shall

1 provide that a prisoner who is serving a sentence for
2 aggravated driving under the influence of alcohol, other
3 drug or drugs, or intoxicating compound or compounds, or
4 any combination thereof as defined in subparagraph (C) of
5 paragraph (1) of subsection (d) of Section 11-501 of the
6 Illinois Vehicle Code committed on or after January 1, 2011
7 (the effective date of Public Act 96-1230) ~~this amendatory~~
8 ~~Act of the 96th General Assembly,~~ shall receive no more
9 than 4.5 days of good conduct credit for each month of his
10 or her sentence of imprisonment.

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

1 aggravated indecent liberties with a child, indecent
2 liberties with a child, child pornography, heinous
3 battery, aggravated battery of a spouse, aggravated
4 battery of a spouse with a firearm, stalking, aggravated
5 stalking, aggravated battery of a child, endangering the
6 life or health of a child, or cruelty to a child.
7 Notwithstanding the foregoing, good conduct credit for
8 meritorious service shall not be awarded on a sentence of
9 imprisonment imposed for conviction of: (i) one of the
10 offenses enumerated in subdivision (a)(2)(i), (ii), or
11 (iii) when the offense is committed on or after June 19,
12 1998 or subdivision (a)(2)(iv) when the offense is
13 committed on or after June 23, 2005 (the effective date of
14 Public Act 94-71) or subdivision (a)(2)(v) when the offense
15 is committed on or after August 13, 2007 (the effective
16 date of Public Act 95-134) or subdivision (a)(2)(vi) when
17 the offense is committed on or after June 1, 2008 (the
18 effective date of Public Act 95-625) or subdivision
19 (a)(2)(vii) when the offense is committed on or after July
20 23, 2010 (the effective date of Public Act 96-1224) ~~this~~
21 ~~amendatory Act of the 96th General Assembly~~, (ii)
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, or intoxicating compound or compounds, or
24 any combination thereof as defined in subparagraph (F) of
25 paragraph (1) of subsection (d) of Section 11-501 of the
26 Illinois Vehicle Code, (iii) one of the offenses enumerated

1 in subdivision (a) (2.4) when the offense is committed on or
2 after July 15, 1999 (the effective date of Public Act
3 91-121), (iv) aggravated arson when the offense is
4 committed on or after July 27, 2001 (the effective date of
5 Public Act 92-176), ~~or~~ (v) offenses that may subject the
6 offender to commitment under the Sexually Violent Persons
7 Commitment Act, or (vi) ~~(v)~~ aggravated driving under the
8 influence of alcohol, other drug or drugs, or intoxicating
9 compound or compounds, or any combination thereof as
10 defined in subparagraph (C) of paragraph (1) of subsection
11 (d) of Section 11-501 of the Illinois Vehicle Code
12 committed on or after January 1, 2011 (the effective date
13 of Public Act 96-1230) ~~this amendatory Act of the 96th~~
14 ~~General Assembly.~~

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

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

25 (B) has served a minimum of 60 days, or as close to
26 60 days as the sentence will allow; and

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

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

5 (4) The rules and regulations shall also provide that
6 the good conduct credit accumulated and retained under
7 paragraph (2.1) of subsection (a) of this Section by any
8 inmate during specific periods of time in which such inmate
9 is engaged full-time in substance abuse programs,
10 correctional industry assignments, or educational programs
11 provided by the Department under this paragraph (4) and
12 satisfactorily completes the assigned program as
13 determined by the standards of the Department, shall be
14 multiplied by a factor of 1.25 for program participation
15 before August 11, 1993 and 1.50 for program participation
16 on or after that date. However, no inmate shall be eligible
17 for the additional good conduct credit under this paragraph
18 (4) or (4.1) of this subsection (a) while assigned to a
19 boot camp or electronic detention, or if convicted of an
20 offense enumerated in subdivision (a)(2)(i), (ii), or
21 (iii) of this Section that is committed on or after June
22 19, 1998 or subdivision (a)(2)(iv) of this Section that is
23 committed on or after June 23, 2005 (the effective date of
24 Public Act 94-71) or subdivision (a)(2)(v) of this Section
25 that is committed on or after August 13, 2007 (the
26 effective date of Public Act 95-134) or subdivision

1 (a) (2) (vi) when the offense is committed on or after June
2 1, 2008 (the effective date of Public Act 95-625) or
3 subdivision (a) (2) (vii) when the offense is committed on or
4 after July 23, 2010 (the effective date of Public Act
5 96-1224) ~~this amendatory Act of the 96th General Assembly,~~
6 or if convicted of 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, or if
11 convicted of aggravated driving under the influence of
12 alcohol, other drug or drugs, or intoxicating compound or
13 compounds, or any combination thereof as defined in
14 subparagraph (C) of paragraph (1) of subsection (d) of
15 Section 11-501 of the Illinois Vehicle Code committed on or
16 after January 1, 2011 (the effective date of Public Act
17 96-1230) ~~this amendatory Act of the 96th General Assembly,~~
18 or if convicted of an offense enumerated in paragraph
19 (a) (2.4) of this Section that is committed on or after July
20 15, 1999 (the effective date of Public Act 91-121), or
21 first degree murder, a Class X felony, criminal sexual
22 assault, felony criminal sexual abuse, aggravated criminal
23 sexual abuse, aggravated battery with a firearm, or any
24 predecessor or successor offenses with the same or
25 substantially the same elements, or any inchoate offenses
26 relating to the foregoing offenses. No inmate shall be

1 eligible for the additional good conduct credit under this
2 paragraph (4) who (i) has previously received increased
3 good conduct credit under this paragraph (4) and has
4 subsequently been convicted of a felony, or (ii) has
5 previously served more than one prior sentence of
6 imprisonment for a felony in an adult correctional
7 facility.

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

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

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

3 (4.1) The rules and regulations shall also provide that
4 an additional 60 days of good conduct credit shall be
5 awarded to any prisoner who passes the high school level
6 Test of General Educational Development (GED) while the
7 prisoner is incarcerated. The good conduct credit awarded
8 under this paragraph (4.1) shall be in addition to, and
9 shall not affect, the award of good conduct under any other
10 paragraph of this Section, but shall also be pursuant to
11 the guidelines and restrictions set forth in paragraph (4)
12 of subsection (a) of this Section. The good conduct credit
13 provided for in this paragraph shall be available only to
14 those prisoners who have not previously earned a high
15 school diploma or a GED. If, after an award of the GED good
16 conduct credit has been made and the Department determines
17 that the prisoner was not eligible, then the award shall be
18 revoked.

19 (4.5) The rules and regulations on early release shall
20 also provide that when the court's sentencing order
21 recommends a prisoner for substance abuse treatment and the
22 crime was committed on or after September 1, 2003 (the
23 effective date of Public Act 93-354), the prisoner shall
24 receive no good conduct credit awarded under clause (3) of
25 this subsection (a) unless he or she participates in and
26 completes a substance abuse treatment program. The

1 Director may waive the requirement to participate in or
2 complete a substance abuse treatment program and award the
3 good conduct credit in specific instances if the prisoner
4 is not a good candidate for a substance abuse treatment
5 program for medical, programming, or operational reasons.
6 Availability of substance abuse treatment shall be subject
7 to the limits of fiscal resources appropriated by the
8 General Assembly for these purposes. If treatment is not
9 available and the requirement to participate and complete
10 the treatment has not been waived by the Director, the
11 prisoner shall be placed on a waiting list under criteria
12 established by the Department. The Director may allow a
13 prisoner placed on a waiting list to participate in and
14 complete a substance abuse education class or attend
15 substance abuse self-help meetings in lieu of a substance
16 abuse treatment program. A prisoner on a waiting list who
17 is not placed in a substance abuse program prior to release
18 may be eligible for a waiver and receive good conduct
19 credit under clause (3) of this subsection (a) at the
20 discretion of the Director.

21 (4.6) The rules and regulations on early release shall
22 also provide that a prisoner who has been convicted of a
23 sex offense as defined in Section 2 of the Sex Offender
24 Registration Act shall receive no good conduct credit
25 unless he or she either has successfully completed or is
26 participating in sex offender treatment as defined by the

1 Sex Offender Management Board. However, prisoners who are
2 waiting to receive such treatment, but who are unable to do
3 so due solely to the lack of resources on the part of the
4 Department, may, at the Director's sole discretion, be
5 awarded good conduct credit at such rate as the Director
6 shall determine.

7 (5) Whenever the Department is to release any inmate
8 earlier than it otherwise would because of a grant of good
9 conduct credit for meritorious service given at any time
10 during the term, the Department shall give reasonable
11 notice of the impending release not less than 14 days prior
12 to the date of the release to the Governor, the sheriff of
13 the county where the prosecution of the inmate took place,
14 the State's Attorney of the county where the prosecution of
15 the inmate took place, and if applicable, the State's
16 Attorney of the county into which the inmate will be
17 released. The Department must also make identification
18 information and a recent photo of the inmate being released
19 accessible on the Internet by means of a hyperlink labeled
20 "Community Notification of Inmate Early Release" on the
21 Department's World Wide Web homepage. The identification
22 information shall include the inmate's: name, any known
23 alias, date of birth, physical characteristics, residence
24 address, commitment offense and county where conviction
25 was imposed. The identification information shall be
26 placed on the website within 3 days of the inmate's release

1 and the information may not be removed until either:
2 completion of the first year of mandatory supervised
3 release or return of the inmate to custody of the
4 Department.

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

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

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

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

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

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

20 (d) If a lawsuit is filed by a prisoner in an Illinois or
21 federal court against the State, the Department of Corrections,
22 or the Prisoner Review Board, or against any of their officers
23 or employees, and the court makes a specific finding that a
24 pleading, motion, or other paper filed by the prisoner is
25 frivolous, the Department of Corrections shall conduct a
26 hearing to revoke up to 180 days of good conduct credit by

1 bringing charges against the prisoner sought to be deprived of
2 the good conduct credits before the Prisoner Review Board as
3 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
4 If the prisoner has not accumulated 180 days of good conduct
5 credit at the time of the finding, then the Prisoner Review
6 Board may revoke all good conduct credit accumulated by the
7 prisoner.

8 For purposes of this subsection (d):

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

13 (A) it lacks an arguable basis either in law or in
14 fact;

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

18 (C) the claims, defenses, and other legal
19 contentions therein are not warranted by existing law
20 or by a nonfrivolous argument for the extension,
21 modification, or reversal of existing law or the
22 establishment of new law;

23 (D) the allegations and other factual contentions
24 do not have evidentiary support or, if specifically so
25 identified, are not likely to have evidentiary support
26 after a reasonable opportunity for further

1 investigation or discovery; or

2 (E) the denials of factual contentions are not
3 warranted on the evidence, or if specifically so
4 identified, are not reasonably based on a lack of
5 information or belief.

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

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

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

1 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;
2 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;
3 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.
4 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,
5 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)

6 (730 ILCS 5/3-14-1) (from Ch. 38, par. 1003-14-1)

7 Sec. 3-14-1. Release from the Institution.

8 (a) Upon release of a person on parole, mandatory release,
9 final discharge or pardon the Department shall return all
10 property held for him, provide him with suitable clothing and
11 procure necessary transportation for him to his designated
12 place of residence and employment. It may provide such person
13 with a grant of money for travel and expenses which may be paid
14 in installments. The amount of the money grant shall be
15 determined by the Department.

16 The Department of Corrections may establish and maintain,
17 in any institution it administers, revolving funds to be known
18 as "Travel and Allowances Revolving Funds". These revolving
19 funds shall be used for advancing travel and expense allowances
20 to committed, paroled, and discharged prisoners. The moneys
21 paid into such revolving funds shall be from appropriations to
22 the Department for Committed, Paroled, and Discharged
23 Prisoners.

24 (b) (Blank).

25 (c) Except as otherwise provided in this Code, the

1 Department shall establish procedures to provide written
2 notification of any release of any person who has been
3 convicted of a felony to the State's Attorney and sheriff of
4 the county from which the offender was committed, and the
5 State's Attorney and sheriff of the county into which the
6 offender is to be paroled or released. Except as otherwise
7 provided in this Code, the Department shall establish
8 procedures to provide written notification to the proper law
9 enforcement agency for any municipality of any release of any
10 person who has been convicted of a felony if the arrest of the
11 offender or the commission of the offense took place in the
12 municipality, if the offender is to be paroled or released into
13 the municipality, or if the offender resided in the
14 municipality at the time of the commission of the offense. If a
15 person convicted of a felony who is in the custody of the
16 Department of Corrections or on parole or mandatory supervised
17 release informs the Department that he or she has resided,
18 resides, or will reside at an address that is a housing
19 facility owned, managed, operated, or leased by a public
20 housing agency, the Department must send written notification
21 of that information to the public housing agency that owns,
22 manages, operates, or leases the housing facility. The written
23 notification shall, when possible, be given at least 14 days
24 before release of the person from custody, or as soon
25 thereafter as possible.

26 (c-1) (Blank).

1 (c-2) The Department of Corrections shall establish
2 uniform procedures for providing timely advance notice of early
3 release of inmates to law enforcement in local jurisdictions
4 and shall submit a report to the General Assembly, by January
5 1, 2011, of those notice procedures.

6 (c-5) If a person on parole or mandatory supervised release
7 becomes a resident of a facility licensed or regulated by the
8 Department of Public Health, the Illinois Department of Public
9 Aid, or the Illinois Department of Human Services, the
10 Department of Corrections shall provide copies of the following
11 information to the appropriate licensing or regulating
12 Department and the licensed or regulated facility where the
13 person becomes a resident:

14 (1) The mittimus and any pre-sentence investigation
15 reports.

16 (2) The social evaluation prepared pursuant to Section
17 3-8-2.

18 (3) Any pre-release evaluation conducted pursuant to
19 subsection (j) of Section 3-6-2.

20 (4) Reports of disciplinary infractions and
21 dispositions.

22 (5) Any parole plan, including orders issued by the
23 Prisoner Review Board, and any violation reports and
24 dispositions.

25 (6) The name and contact information for the assigned
26 parole agent and parole supervisor.

1 This information shall be provided within 3 days of the
2 person becoming a resident of the facility.

3 (c-10) If a person on parole or mandatory supervised
4 release becomes a resident of a facility licensed or regulated
5 by the Department of Public Health, the Illinois Department of
6 Public Aid, or the Illinois Department of Human Services, the
7 Department of Corrections shall provide written notification
8 of such residence to the following:

9 (1) The Prisoner Review Board.

10 (2) The chief of police and sheriff in the municipality
11 and county in which the licensed facility is located.

12 The notification shall be provided within 3 days of the
13 person becoming a resident of the facility.

14 (d) Upon the release of a committed person on parole,
15 mandatory supervised release, final discharge or pardon, the
16 Department shall provide such person with information
17 concerning programs and services of the Illinois Department of
18 Public Health to ascertain whether such person has been exposed
19 to the human immunodeficiency virus (HIV) or any identified
20 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

21 (e) Upon the release of a committed person on parole,
22 mandatory supervised release, final discharge, or pardon, the
23 Department shall provide the person who has met the criteria
24 established by the Department with an identification card
25 identifying the person as being on parole, mandatory supervised
26 release, final discharge, or pardon, as the case may be. The

1 Department, in consultation with the Office of the Secretary of
2 State, shall prescribe the form of the identification card,
3 which may be similar to the form of the standard Illinois
4 Identification Card. The Department shall inform the committed
5 person that he or she may present the identification card to
6 the Office of the Secretary of State upon application for a
7 standard Illinois Identification Card in accordance with the
8 Illinois Identification Card Act. The Department shall require
9 the committed person to pay a \$1 fee for the identification
10 card.

11 For purposes of a committed person receiving an
12 identification card issued by the Department under this
13 subsection, the Department shall establish criteria that the
14 committed person must meet before the card is issued. It is the
15 sole responsibility of the committed person requesting the
16 identification card issued by the Department to meet the
17 established criteria. The person's failure to meet the criteria
18 is sufficient reason to deny the committed person the
19 identification card. An identification card issued by the
20 Department under this subsection shall be valid for a period of
21 time not to exceed 30 calendar days from the date the card is
22 issued. The Department shall not be held civilly or criminally
23 liable to anyone because of any act of any person utilizing a
24 card issued by the Department under this subsection.

25 The Department shall adopt rules governing the issuance of
26 identification cards to committed persons being released on

1 parole, mandatory supervised release, final discharge, or
2 pardon.

3 (Source: P.A. 94-163, eff. 7-11-05.)

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